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WHITE ACRE

vs.

BLACK ACRE.

A CASE AT LAW,

Reported by

ESQ.,

Lincolnshire, England.

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TO THE

HISTORICAL SOCIETY OF VIRGINIA.

"A MS. of the Reign of Queen Anne!"

Who but an antiquarian can appreciate the magic of that phrase? He gazes upon its yellow pages and jet black letters with as much ardour as a Japanese lover upon the gamboge beauties and ebony teeth of his mistress. He listens with delighted interest to the narration of its preservation and recovery. He can well imagine the careful application with which the author prepared his

Seven Gables Feb 5, 1948

record of facts for posterity. He sympathizes with children who, through long years of poverty, keep the old book as a relic of him who wrote it, or only rescue it from the demands of inexorable need, because of its total want of current value. Year after year the MS. is habitually placed with the wasted and worn remnants of declining fortunes. Children, whose only inheritance is a trace of better blood and breeding, mark rude figures upon its pages, or growing older, write stealthily love initials at which they blush—frown—sigh—smile—and ultimately view with as much indifference as any other part of the old manuscript. Youthful suitors, spruce in their rustic finery, puzzle over its quaint phraseology on listless Sabbaths; or, proud of their own scholastic acquirements, criticise its chirographical abbreviations, as proofs of the writers ig-

norance. Ask those who hold it what it means and they only know it as "the old book that has crossed the sea."

Then laborious though unlettered sons-in-law write upon its blank spaces memoranda of "colts foalded" or "produce sold." Then the old MS. lies for years in chests or closets surrounded with ignoble associations, but holding within its bosom facts more and more valuable as each year adds a deeper and more venerable tinge to its surface or brings out its trusty letters in more indelible inscription. There it lies, the metal in the mine, wondering how long before the heedless footsteps which echo above it will learn the value of the treasures which slumber so near them.

But the MS. like the mine must be discovered. Some day an old man who

has discarded children and driven away friends will find one creditor who will not accept the current coin of the realm as a lawful tender. His "body will be taken in execution" in spite of the *nummos in arca*. When this rich miser dies, pedigrees become a subject of anxious study. Lawyers write learned opinions about *per stirpem* and *per capita*, of which the substantial clients who pay fees understand nothing, except the final phrase which tells them they "are" or "are not" entitled to an interest in the miser's estate. The disinterested public applies the rule of arithmetical progression to the inheritance, and it doubles from month to month, like the sum of the horse shoe nails. The fractional dividends of the more remote of kin are computed to a farthing, and estates are bestowed or expectations extinguished, with more than

judicial dogmatism by this areopagus of the vicinage.

The reverberation of wealth awakens the distant heir residing in remote states.

Letters of attorney gleaming with red wax, flaunting with narrow blue ribbon, and flourishing with official signatures, come duly authenticated. The more suspicious heir comes with saddlebags and leggings to see for himself. The inheritance is magnified incredibly by the powerful lens of distance, rumour, and the gratuitous whiskey of wayside hosts. Then administrators, vigilant of commissions, cause long sleeping judgments against improvident and abscondent heirs, to be jogged by the *scire facias*, and they awake like giants refreshed and ravening from their slumbers. They make common cause with the elegant letters of attorney, and, with the leggins and whiskey, are ready to tear into minute frag-

ments in a moment that repast which it has taken half a century of parsimony to prepare. Then neighbors value, in an inventory with great accuracy, every article of property, regaling themselves with a little old liquor, which the intestate had grown too stingy to drink himself, as well as with the most discreditable anecdotes of his memoirs. They value an old volume of Guthrie's geography, a few old volumes of Dilworth and Murray as "one lot of old books, each 2*s*." They throw in papers, pamphlets and circulars of old political wars. Some one who feels a general interest in old writings, finds amongst the papers an old MS., written in a plain style and in a distinct hand. He transmits it to those who appreciate its importance. The old MS. surrenders to the proclamation of the press, the facts kept through long years of obscurity. Henceforth it

will repose in the care of the historical antiquary honoured like some ancient witness—some Edie Ochiltree, who has testified to maintain the rights of others, and will in consequence be held in respect and comfort the remainder of his days.

Such is the history of the old MS. which follows. It is published because it shows light upon the origin of an old and still pending action at law, in which, few who read are not more or less interested.

To the Historical Society of Virginia, whose patriotism will perceive and apply its analogies, and whose love of colonial antiquity will appreciate its style and execution, the MS. is respectfully dedicated by

THE EDITOR.

WHITE ACRE VS. BLACK ACRE.

WHITE ACRE VS. BLACK ACRE.

CHAPTER I.

The old firm of Bull, McSnatch & Co. had been in business many years. It had carried on a very extensive, and as every one believed, a very profitable trade. It had gradually combined with buying and selling goods, the purchase, and settlement of lands; these were leased out to farmers, company stores were established upon the lands, and the crops of the farmers became again a subject of profit, being taken at one price and sold again elsewhere at a greater. The firm thus made money "hand over hand" as the sailors say.

The capitalist and chief partner in this lucrative concern was Mr. Bull, an elderly gentleman, with whom the world obviously went well, for he always insisted on its going his own way, and very generally it did so. He was stout and portly. His arms looked like large cloth sausages. His sturdy legs scarcely diminished in size at the ancles, but seemed to have been planted in the ground for the express purpose of sustaining his portly person, and of maintaining the particular spot on which he stood against all oppugnation. His face was very bluff and highly mottled from the effect of good cheer, and you might see little black and red veins running over his nose and cheeks, as if they contained samples of the various vintages which he kept in his cellars. His countenance wore a combined expression of suspicion, discontent and complacency, which it is quite impossible to define on paper, for as nature sometimes unites in great heroes qualities of the meanest and most exalted character, so she compounds expressions

of countenance equally contradictory. Mr. Bull wore at all seasons and in every climate a blue cloth coat with metallic buttons, a white neckerchief, which he changed every day; a buff vest of great amplitude, and small clothes of the goods called of late kerseymere, stockings of grey woollen, and shoes whereof the bottoms were so broad that the soles extended beyond the uppers far enough "to allow a rat to run around outside," this having been his standing instruction to his shoemaker for thirty years past. His beaver had a remarkably narrow rim, that he might look sharply around him. He carried no ornaments except a very heavy gold watch and chain, with a seal or signet to correspond, which last swung entirely clear of his portly person, owing to its dignified protuberance. This horologe had been made expressly for him at a great cost. It was wound up at the same minute every day, cleaned by the same person at the same price on the same day of every year, and stood as the standard of time for all

appointments. He would tolerate no contradiction of this time piece, and once when a travelling Astronomer ventured to explain the difference between actual and apparent time, and adding something for variation of latitude, suggesting that some allowance ought to be made on that account, Mr. Bull flew into a violent rage, called him "an impudent dog," who wanted to get inside of his watch to steal the diamonds upon which the wheels were popularly understood to run. He was insultingly told to correct the sun if he chose, but to leave that parish before the constable came, otherwise he might meet a longer detention than was agreeable to him. So this man departed to peddle science in some other quarter, while Mr. Bull calling up the cook, scolded himself into a calm by complaining that dinner had been two minutes later yesterday, and that if such a thing occurred again he must find another place, whereupon the cook made most humble acknowledgement, but winked at the butler as he went out, the latter pulling down

the lower lid of one eye. This pantomime intimated that the cook was in no manner of danger, the same scene having taken place at periodical intervals of six weeks for many years, and it being known that Mr. Bull would eat nothing cooked by any other hand.

For the rest, Mr. Bull had money in the bank, gold and silver in his pockets which he habitually jingled with an absent air. He had old wine, with a genealogy which the butler was called up and made to repeat. It was all labelled as of the date of some victorious law suit, or of some great speculation made. Mr. Bull always had more meat than he needed, more meal than he could consume, more wood than he could burn, and every thing else in the same superfluous abundance. Of this he gave sometimes to the poor, but his gifts were always accompanied with so much ostentation, censure and admonition, that a person of any feeling had rather have starved outright, than accepted aid at his hands. Thus it happened that the alms of Mr. Bull were generally

bestowed upon very unworthy people, who flattered him by praising his wealth and deceived him by promising to obey all his demands.

This treatment frequently rendered him so outrageous that he refused to aid respectable people, who had been unfortunate, as being *pro ea ratione* criminal. Indeed, as he grew older, he seemed to identify virtue with the successful acquisition of riches, whilst poverty became a synonyme for vice.

So Mr. Bull was the head of the firm, and we might add the body also, those who called themselves his partners, being the extremities, for he kept the cash box, allowed no one except himself to sign the name of the firm, and gave them no more representation in its affairs than if they had been his servants, and indeed they were little more.

But Sandy McSnatch was contented with his situation, which he had understood perfectly when he entered it. He cared little for the humiliation of his position, so he had a chance

to turn what he figuratively called an "honest penny," a phrase which in the opinion of the tenantry did in its variety comprehend a more extensive assortment of pennies than had ever figured in any numismatic cabinet whatever. Sandy had long been under obligations to Mr. Bull, who had a mortgage upon a very poor tract of rock and heather, which was by indulgent interpretation called the farm of Scotstarvit. After having exhausted every device of chicanery, Sandy had consented to be sold out, and Mr. Bull became the unlucky proprietor under an engagement to allow McSnatch wages, and the name of a partner in his business, foreign and domestic; this was as we have shown very little more than taking an indenture for life of a tricky and unprofitable servant. So, partly to get rid of the complaints of McSnatch, and satisfy the appetites of many hungry cousins which the latter had brought into Bullsland upon one pretence or another, he sent them all off into a settlement he had recently made in a new country. Here one

Captain Smith as agent for Mr. Bull had purchased the land from the natives, paying them chiefly in beads with a good many leaden bullets intermixed therewith. Sandy had been sent over to establish a company store in these parts for the purpose of buying peltries from the natives, as well as act the factor for the tenantry, who had been sent over to cultivate the tobacco plant. For the purpose of making the business of Bull, McSnatch & Co. more profitable, the tenants were bound by a covenant in their lease to sell their crops to the company store at the valuation of Mr. McSnatch, and in like manner interdicted from buying any article elsewhere.

A modern writer has expressed great curiosity to see the mysterious person called "Co." in the advertisements, for some insinuate that in a majority of cases it is but a fictitious appellation, like that of "Doe" or "Roe" in the process of ejectment at common law, introduced in commercial affairs for the purpose of inducing the belief of vast riches; for as this

mysterious person is not known, there cannot be any measurement of his wealth, consequently the public partners may expatiate as boldly as they choose upon the hidden resources of the concern. With the advantage of this mystery, Mr. "Co." is regarded as a very substantial person, just as a large iron chest securely locked, and banded, covered with rust, and impervious to any key, is always believed to contain title deeds to large estates or immense sums in gold and jewels.

But in the firm of Bull, McSnatch & Co., the mythical partner was known to reflect neither wealth nor influence upon his associates. His name was Patrick Ragan. His estate had come into the possession of Mr. Bull by a more ancient and more summary course of litigation than that by which Mr. McSnatch had been dispossessed. Mr. Ragan had fallen from the estate of a violent and litigous gentleman of improvident habits and reckless generosity, into the condition of a helpless dependant, subject to the ridicule and insult of

his ancient antagonist. He was without fortune and without hope, he only aspired to get tipsy and keep so. Mr. Bull was obliged by a condition of foreclosure in some ancient mortgage to maintain him. He had considered this a serious incumbrance upon the estate, and made it a reason for raising the "rints" as Patrick called them, until the tenantry could stand it no longer, and many of them had gone over to the new purchase, preferring much to encounter those bailiffs of the forest—the bears and Indians—to such as Mr. Bull sent periodically to take whatever he had made, and send him to prison for not having made more.

So Patrick Ragan was the "Co.," and as he was generally drunk, wore an old hat whose battered shape illustrated most of the spherical problems in the twelfth book of Euclid; as his coat had been torn off in some scuffle and his legs were protected by sacking taken from the wrapping of some East India package, he presented a dilapidated appearance,

and was called by the tenantry "Pat Rag," an appellation at once curt and expressive. But Pat was quite useful; having been once very strong, he could still carry sacks of salt, or bales of merchandize, or even casks of ale or spirituous liquors; but such was his devotion to strong drink, that his cunning copartner McSnatch was compelled to rub his lips with chalk when it was necessary to send Pat among the barrels, to prevent him from abusing the privilege; but after a time Pat procured a bit of chalk for himself, with which after having taken a drink, he would chalk himself all right as before. This he called "cheating the gauger." His long course of subjection had taught him like other servants many ingenious ways to outwit his master, by injuring himself.

These were the members of the firm of Bull, McSnatch & Co.

CHAPTER II.

Amongst the tenants upon the new settlement was Robert Careless, a yeoman or small farmer of Shropshire, who having stood by Mr. Bull in several affrays, brought on by the obstinate and arrogant conduct of the latter, had been persuaded to take his present lease, somewhat as was believed by the neighbours, because he might be a troublesome witness in a suit of "The King against Oliver and others." For Careless was an honest and free-spoken man, nor would he be induced to testify otherwise than as he thought right, even to save his friend or his landlord; so it was deemed as well he should be away. Very favourable terms were offered him and his family by Mr. Bull, some of which were fulfilled, others not.

But Careless with his family and friends went on shipboard, and after a time reached the new purchase. He found nothing exactly as it had been represented. There was a boundless forest with a savage Indian behind almost every tree, the wild animals relieved the Indians at intervals in watching for any improvident settler, so that the time of the tenants was wholly occupied with taking care of their scalps. They generally laid down the grubbing-hoe for the gun, and retired from labor in the evening to stand sentinel at night. This, together with the low prices and late returns from their crops, discouraged them greatly. Indeed the sole profit went to the store of Bull, McSnatch & Co., in the sale of crops, the supply of merchandize, and the improvement of the wild lands.

Other tenants, settled upon lands poorer and less productive, abandoned farming almost altogether, and betook themselves to the sea, where they caught fish in great abundance.

In a short time such was the audacity of their enterprise, that they pursued the leviathan himself, into whom they plunged their lances, and though he "made the deep to boil as a pot," yet their bold pursuers never abandoned the chase until they had captured their "gigantic game." This trade gave them great revenue, of which Messrs. Bull and McSnatch found it more difficult to take account and make profit, than if the tenants had wrought on their farm.

But about this time, Mr. Bull having been engaged in a long lawsuit with one Don Armado, terminated it by a very advantageous compromise, under which the former was to have a very advantageous job of carrying all the black slaves that this Don Armado might want for making sugar upon his plantations, or digging gold, silver, or diamonds out of his mines. For this Don Armado had, like Mr. Bull, acquired new lands not very far from the latter, and much in the same manner, except that he had gone in the name of God and ta-

ken "the heathen for an inheritance," whilst Mr. Bull had gone upon the same mission in the name of gunpowder and bad brandy. The Don had slain a great many heathens for the good of their souls, and had sent others to work in the fields and mines that thus they might be kept from the worship of idols. To convince them of the heinous sin of sacrificing hundreds to their Gods, the Don sacrificed thousands every year to two idols of his own, called Pride and Luxury.

It was to carry black slaves from the coast of Africa to the mines and sugar fields, that Mr. Bull contracted, as also to buy these creatures with glass beads and scarlet cloth out of his own store. It was no new business for him. He once had an old aunt who passed for a spinster, and was in civility called an old maid. This old lady was known in the neighborhood as Miss Lizzy Bull. She was very rich, very stingy, and very vindictive. She had in her day both lovers and rivals. Some of her lovers had been arrested and

clapped in jail for money loaned them, and one Molly Steward, a very handsome wench, had come to her end by means of this Miss Lizzy sending her a sham invitation in very bad weather to a ball, of which diversion she was very fond, and thus caused her death by *sore throat* contracted in coming and going. Miss Lizzy it is true bitterly denied all this. She procured that those who had signed her name to the invitation should be indicted for a forgery, and attended Molly's funeral in very deep mourning. Yet the milk of Miss Lizzie's maidenhood stood so long that it curdled and grew sour. She became still more cross, penurious, and revengeful. And Mr. Bull who was to come in for all she might leave at her death, winked at everything she had done, and backed her up in everything she undertook. So she was persuaded by one Frank Drake, who called himself a commissioned officer, but was indeed little better than a sea rover, to fit him out at her expense for the trade of buying and selling these black creatures. And it was

well known by the neighbours that Miss Lizzie had a large share in all his gains. It was thus that Mr. Bull was led to engage in this trade. He had at different times directed a few of these black creatures to be sent over to his different tenants, and one day a Dutch ship called the Helvœtsluys, anchored off the plantation of Robert Careless, having on board a number of these naked savages, consigned to Bull, McSnatch & Co.

When Mr. McSnatch went on board the vessel he was appalled. Though upon his own patrimonial estate of Scotstarvit, he had many opportunities of becoming accustomed to dirt and wretchedness, he fled aghast from this scene of misery, holding his nose, and manifesting unequivocal disgust. He had looked down the hatches where they were working over and over each other, to use his own expression, "like so many black beetles." When a light was brought, they all scrambled to the opening like starving animals, uttering

piteous cries, which, though in an unknown language, were easily translated to mean intense suffering.

McSnatch sent for Pat Rag. He having been dosed with some of Mac's own private Glenlivat whiskey, tried with the aid of the crew to turn out some of the blacks, but they all rushed forward in such an insane manner, that the captain swore he would not be responsible for the safety of the vessel if the hatchway were open, while Pat Rag becoming very sick at the stomach with the sight and smell, sat down on the shore and swore "d——nation to the nagurs and them that sent them there." In vain McSnatch wheedled the captain to discharge them upon some other part of the estate; he refused, saying it was the order of the consignor that they should be landed there, and he should run the ship into shoal water the next day and drive them ashore if McSnatch would not receive them.

Then a lucky thought struck Mac. He

sat down and wrote Farmer Careless a note, advising him of the arrival of these black creatures, and requesting him to receive and give them immediate employment. This note he signed Bull, McSnatch & Co., and despatched by the hands of Pat Rag.

When Farmer Careless had welcomed Pat in the manner he knew to be most agreeable to him, to wit: with some neat spirits and the full of tobacco for the short pipe which Pat always wore in his hat band, Farmer Careless borrowed of old Mrs. Careless her horn spectacles and sat down to read the letter.

At first his face puckered up with the intense difficulty of comprehending the missive, then he grew very red at the insolence of the message which it contained. Then he laid it on his knee, folded up the spectacles and asked Rag "what all this meant?"

"Well" said Pat, "be sure an ye know as well as I do. There's a vessel anchored near the factory, full of these black divils, so they

sint me aboord, an be jabers when I wint down into the cabin, I thought my insides would have come up intirely. Then Misthur Mac ses he, what'll I do wi'd the dommed black deevils? An ses I, sorra a bit of me knows at all. Then ses he, Pat tak this bit of scrip down to Farmer Careless."

At this narrative the farmer grew very angry, and swore "they might go back to their own ilunt, whersonever that was." He said "Mr. Bull had sent him to fight Indians without saying anything about them, but he'd be d——d if he would skin niggers for him or any other man that lived."

Dame Careless thought it very strange; she catechised Rag about the situation of the black creatures, and was much shocked to learn that they were stark naked. She hoped Mr. Careless would have nothing to do with them, and begged that he would neither swear, nor cudgel Mr. McSnatch, which last he seemed much inclined to do.

So for the purpose of putting an emphatic

extinguisher upon the plans of McSnatch, with which he believed Mr. Bull had nothing to do, the farmer took his gun and one of his little sons, and after closing the back door, barring the stockade gate, turning loose two large mastiffs, and left with Dame Careless a couple of loaded firelocks, with which she and the servants were to give an account of any savages who might call by way of interlude during his absence, with Pat Rag departed for the company store.

McSnatch knew by the decisive manner with which the farmer set down his gun in the porch, that he was not content with the message, and hastened to meet him.

"Ah!" said he, "Neebor Careless! an how are all at hame the day? Odd man but yere havin fine weather for the tobacco plants. Ye'll have nae place in yere pockets for the siller I'll be payin yo for youre neist crop. What think ye of aughteen shillins and mebbe thrippence more!"

—"Mr. McSnatch I have come to see you

about that letter," said the straightforward farmer.

—"Aweel mon an yere delighted to find Mr. Bull has been sae conseederate, as to send ye all thae able laborers to help ye with clearin and loggin. Youre to have all the charge of them yoursel!"

And with that McSnatch clapped the farmer on his back with a triumphant air, as if to congratulate him that he stood so high in the favor of his landlord.

—"Me take charge of these naked savages?" asked the farmer with indignation.

—"Yes surely mon for yere sae 'knowin of thae black cattle,'" added Sandy with a desperate attempt to appear cheerful.

—"And what's more, I'll be d——d if I let them come upon my plantation whilst I hold it."

—"Hoot mon! they'll be gae handy with the plough, and," added he in a monitory manner, "it'll never do to fash Mr. Bull about it, ye know."

—"D——n Mr. Bull, he's no right to put his black varmints upon me."

—"Why mon yere not in your sober mind, and ye awin the house of Bull, McSnatch & Co. abune twa hunder punds!"

—"What do you mean by that? you d——d scaly villain," said Careless, stripping off his coat and making at the Scotchman, who hastily fled behind his counter, protesting that he "meant nae harm and took all he had said amiss bock agen."

"Well then," said the farmer putting on his coat, "do as you choose with the things, they're part of your goods, and you must take care of them yourself." Mac saw there was trouble brewing, and hastened to avoid the loss of a customer and the gain of a threshing which were impending. He assumed an air of deep disappointment, and observed "aweel, aweel! to think when I had stretched a point to serve a friend and neebor, it should go sae amiss. Now suppose you take them only for a short time, till we can put them on some one

else? Ye'll have your bill for the expenses mon, ye can stick all your troubles in that mon, and I'll draw it for ye, ye'll knaw I can do that." Here Sandy winked in a very knavish manner, jogging Careless with his elbow. This pantomime interpreted by those who knew Sandy, meant nothing more nor less than that he would aid in making out and collecting a very exorbitant bill. So he added, "ye need'nt be vara parteecular mon, to put the creatures in hooses, nae nae, build ye some pens just and theek them over with pine tops, it's better lodging than they're used to, I'll warrant."

But Careless refused to make any charge, because it might bind him in some way to keep them or to have anything to do with them.

—"So ye'll not tak them?"

—"No, I will not."

—"Aweel Patrick," said Sandy, "we must even tell the captain to upsail and carry them to some other plantation, but Lord save us,

he's sae drumlie that I'm afeerd to speak till him itself. But come ye along neebor Careless, sorry am I to have given you siccan annoy, but dont think hard of me. It was a' for the best, it was a' for the best."

Careless who was a very placable man, readily forgave him, and they walked down to the river together.

But no sooner did the black creatures see through the open hatches the men with firelocks, than having become, it seems, somewhat accustomed to be shot at in their own country, they dropped on their knees, embraced each other, and began such a screeching as no one present except the ship's people had ever heard. The Farmer stopped when he had created this commotion amongst the wild creatures, for they alarmed him almost as much as he alarmed them. One of the seamen, however, who it seems understood them somewhat, came forward, gave them some food, and they soon became quiet again. They crawled together, made explanatory grimaces,

like so many apes, they then began to examine and lick the ulcers and sores that the shackles had made upon their limbs, the mothers rocked or suckled their babies, and those not otherwise employed or asleep, "looked" each others' heads, which last is said to be a pastime, or piece of reciprocal civility amongst them.

Mr. McSnatch had again held a conference with the skipper to see if this cup might not pass to some other plantation and factory. But in vain, the skipper was intractable, and swore he would not carry them a foot farther, either to save the soul of McSnatch, if he had any, from a much hotter place than the coast of Africa, or the august house of Bull, McSnatch & Co., from immediate and eternal suspension. So he called upon all to take notice, that he "had tendered his manifest and bill of lading, for so many slaves, more or less, shipped at Point Ebo, in good order, the dangers of the seas only excepted, and to be delivered to the firm of Bull, McSnatch & Co. at Pamunkey point upon the river of York. That he was

short of hands, water and provisions, and should not take the responsibility of keeping them on board any longer." Having then gone into the rigging with all the seamen armed with their firelocks, they set open the hatchways with a rope. They called on all to take care of themselves, whereupon McSnatch took to his heels, whilst Careless with his son and dogs walked to a neighboring hill to look on. Pat Rag being now about half drunk, capered around, swearing that he would oppose their landing, but in twirling what he called his "shillaleh" around his head, he hit himself such a thump that he tumbled down in a state of confusion, and getting up followed his master—or partner.

The black creatures did not rush out in the tumultuous manner apprehended. A few ventured out and kneeled submissively on the deck. When the captain and his men found there was no danger, they came down and gave them food, by signs making them comprehend that they were all to go on shore.

Finding, after a time, that they were not to be slain, they crawled out, taking with them those who were too weak to walk. The number of those who went out was seventy-four, the rest having died on the voyage. The crew drew out the few that were then dead on board, with grappling irons, and cast them overboard; quantities of water were then admitted into the hold and pumped out. So after this they hoisted all sail and the vessel stood down the river for some other port.

CHAPTER III.

FARMER Careless was a humane man and far from desiring that his landlord should sustain loss. After consultation with his dame, he determined to aid McSnatch in making temporary provision for the black creatures. He therefore told Sandy it was a pity for them to suffer, and agreed they should go upon his land if he would have them taken away when required to do so. This the Scotchman promised to do, knowing he could deny or evade doing so if necessary.

They were then hutted in rude buildings and fed like animals, the sick and sore were tended as well as it was possible.

The farmer constantly remonstrated with McSnatch for the trouble the blacks occasioned

him; but the wily factor—looking to the crops to be made by their labor, as affording him good profit for his wares—persuaded him that he should keep them till Mr. Bull should make some other arrangement with regard to them. So Farmer Careless caused a letter to be written to Mr. Bull, of which the following is a true copy:

"BLACK ACRE FARM,
June 5th, 1701, O. S.

HONORED SIR,

Hoping these lines may find you well, I have to inform you that the blacks which were left on my hands by Captain Codline have proved very troublesome and expensive. I have tried to employ them to your profit, but have to neglect my own work so much to attend to theirs that I am doubtful if worth the trouble. Some of my family do not like to be troubled with them, as they are very thievish and sleepy headed. They are not fit for the dairy nor for housework. How-

ever, I keep them for your interest though not for mine. I hope it will not be long before you send them back to their own country or to some other farm than that of

Your humble servant to command,

ROBERT CARELESS, *Jun'r.*"

To this letter, after a long silence, he received rather a bluff answer, stating that "the niggers," as Mr. Bull called them, "would be useful in clearing land, making tobacco and other things, and that they could in no event be sent back." Careless did not like this letter, for he did not think it such a one as a landlord should send to a tenant, but he had no ship to send the blacks back to their own country, and it would not do to drive them into the woods. So he had to do the best he could with them. But it is impossible to imagine the trouble they gave him. He set two of the "varmints," as he still persisted in calling them, to watch a gap in the fence, making signs to let them understand that they must

not let the hogs come into the field. This they seemed to understand, getting clubs and flourishing them with many grimaces. Yet when Farmer Careless came back some hours later, they had killed two very good hogs, and partly devoured one of them. They then ran to their master with much gibberish, applauding themselves for having adopted such an effectual plan to keep the hogs out in future, and no doubt it was the most effectual means of doing so.

One sturdy fellow, seeming more docile than the rest, was employed in splitting rails. This he soon learned to do quite well, diffusing, however, in the ardour of his exercise, a pungent and insupportable odor. Another one of them, thinking that he could aid by placing the wedge properly, imprudently ventured his head within the orbit of the maul, and was knocked over on his back. This seemed, however, to do him little injury, though the sound was heard by all around, for he arose rubbing his head intensely and apparently scolding his as-

sociate for his awkwardness, yet soon resumed his work as if nothing had happened.

There seemed an instinctive animosity between them and all cattle and other domesticated animals. The dogs made common cause with them; and they pursued the hogs with such pertinacity, that as some hunters tell an absurd story of a race of fishes which are found in a great western cave, to which, having long generated in darkness, nature has in her economy denied eyes as organs utterly useless; so it would have seemed as well that the hogs of Black Acre should have been born without ears or tails, because those appendages were immediately torn or bitten off by the black creatures, or their ally the dog.

The instincts of the chase originating with the domestic animals soon extended itself to those which the pubticists called *feræ naturæ*. Armed with an axe and cowshorn, and followed by the dog who would scarcely associate with any one else, they every night invaded the forest in pursuit of the opossum and raccoon. They

dozed all the next day over their work, and as they frolicked the night after, over the spoils of the chase, these exciting excesses rendered them unfit for useful service during the hunting season.

Much pains was taken by Parson Surplice to reform their moral nature, but though they expressed great fervor in worship, singing with such stentorian lungs that they drowned the choir, and keeping time with their feet with the noise and regularity of a samp, or hominy mortar, or the piston of a modern steam engine, yet they could never comprehend the strict distinctions of the moral law. Though several of them, to do justice, were honest and truthful, and tried to do every thing that was commanded or taught them, still most of them had an incorrigible habit of picking up everything left in their way, yet protesting in the most solemn manner that they knew nothing about it whatever.

The consequences of this barbarism was everywhere evident. The fences upon the

farm were shackling. The passion for the chase, to which we have adverted, had driven from the place every animal except an old horse or two, an odd ox and a few cows. The cattle were turned out to graze with the first buds in the spring, and as they were generally found mired down, where some precocious vegetation had allured them, the blacks generally finished them in their rough endeavors at extrication. The fields were now becoming washed and worn, by the necessity of raising food for so many. The crops of tobacco diminished. The improvidence of these creatures was remarkable. It could not be explained to them, that as they depended upon their own labor for support, they should be 1. Industrious; 2. Economical. It was in vain. When winter came, or before at least it departed, not a blade of fodder or a grain of corn was to be seen upon the plantation. So Farmer Careless had like the Patriarch to send some of his houshold to buy grain, and sometimes it happened as with the son of the pat-

riarch, that the messengers did not all return, having been sold by the way to "Midianite Merchantmen;" these historical characters being represented by Sandy McSnatch, who advancing money from time to time for the purchase of supplies, wound up by taking a few of "thae black cattle," as he called them, into his own possession, though he soon resold them at a profit.

This state of things nearly ran Farmer Careless—by this time somewhat advanced in years—beside himself. But his trials were as nothing in comparison with those of his wife. She attended the black creatures from the time they came into the world until they went out of it. She cooked, spun, wove, made and mended for them, nursed them when sick, and bore with their piccadilloes of lying, theft, stupidity and carelessness.

Every year Mr. Careless wrote a long letter to his landlord, dilating upon these things, and begging that these pests might be sent for, or that he might be permitted to send them away

before they were his ruin. The answer was pretty much the same. He was told they would be worth more in a short time, for this was the only point of view in which Mr. Bull would regard anything. He had a great many ships buying and selling these creatures, and had established factories for the business not only on the lands of Don Armado, but he had also taken possession of other lands for himself and sent out many to work for him. The crops of tobacco, sugar and coffee were sent to the principal store at home. And so it went on for many years, Mr. Bull growing richer and more arrogant, the tenants of Black Acre poorer and more discontented every year.

CHAPTER IV.

Old Farmer Careless had been long laid in his grave, and the rough half sunken gray stone which bore his initials would scarce attract your observation. Around it is an immense extent of country worn into gullies and abandoned to the pines, here and there was an old chimney with a few apple or cherry trees to indicate where there had been once a homestead. But poor and exhausted as these lands appeared, they were at the time of his death, his own. He had been driven, by injustice, to a lawsuit with Bull, McSnatch & Co., by which he recovered a title for which he had honestly and amply paid them.

This suit of "Bull against Careless and others" began thus. The lands occupied by

the defendants had been originally leased at the nominal rent of one pepper corn, reserved and payable annually at Martinmas, yet Mr. Bull had set up a claim to a share of every thing that might be made, worn or eaten upon the lands. McSnatch even claimed that the tenants should employ no factor except himself; that he should fix the price to be paid them for their products, and that they should buy from him all they needed, nor should they be allowed to manufacture any article of wear for their own use. Not even, as he was accustomed to say, "an hob nail." The lawsuit was very expensive, and for a long time very doubtful of result. The plaintiff had a long purse and of course very able counsel, and knowing witnesses, the defendants nothing but a just cause, and stout hearts. The suit was well known to the profession, and indeed to the world. It continued more than seven years, and ended in a decision by the highest tribunal in favor of the appellants, Careless and others.

Upon the decision of this suit, there was allotted to the children of Careless, who had intermarried and lived north of a stream called "Troublesome Run," certain valuable and highly improved lands, which had been held under a leasehold in common. They were known as the White Acre farm, others living south of that stream received their allotment in lands of great extent and fertility, lying around the old homestead and called like that, the plantation of Black Acre.

But amongst other property and effects to be distributed were the descendants, now quite numerous of the black creatures, which Mr. Bull had compelled Farmer Careless to receive from Africa, and support at a great charge upon his farm.

The court which decided the cause, held that "these black creatures were bound for the money expended, the care, pains and trouble taken in and about their support, nurture, and instruction." And as one of Mr. Bull's own courts had recently adjudged that whilst the

right of the black creature to himself was beyond question, another might acquire such an interest in his labor as it took him all his life to extinguish, so the court in this case decided that an account should be taken of the value of the services of the black creatures, and another of the cost of their support. From a comparison of these accounts, it appeared at that time the balance was so largely against the black creatures that payment of the debt was hopeless. So the tenants agreed to take them for the debt, and to do the best they could with them.

Upon the decision, however, those of the defendants who lived north of Troublesome Run had comparatively few, and these they soon after disposed of on the best terms they could get.

Those who lived south of the stream continued to hold most of these creatures in bondage, chiefly at first from habit, and because they did not know what else to do with them,

but afterwards because with improved capacity for farming and other work, they became more valuable.

The charges upon the whole estate, on account of the costs, was paid off by common contribution, and as some dispute was like to arise, whether, in case any thing was to be divided out amongst the defendants, the black creatures should come in for their share like other human beings. The White Acre people contending with reason that they were not their equals. It was agreed that the Black Acre people should draw, as trustees for them, six parts for every ten that was coming to the White Acre people or themselves, and that if any further quota for expenses was to be paid, they would account on behalf of the blacks in the same proportion that they were to receive.

After this, the relations between the defendants of White Acre and Black Acre were very cordial. A trade, mutually advantageous, sprung up amongst them. Some grew tobacco, corn and other things worth money in fo-

reign markets. The White Acre people caught and cured fish; they cultivated the vegetable, known amongst the Egyptians and Greeks, called by moderns the onion; these it was their pleasure to string in long ropes; they were in great request amongst such as could endure their flavour, which the writer is free to say, he never could. Some of them made wares of good account in merchandize, which they called "notions," others owned sloops and were almost always at sea.

But all was harmonious. Both families attended the same churches, sent to the same schools, bought and sold in the same market, and united in everything necessary for their common welfare or mutual defence. Indeed, it was a common remark, that never so large a family lived in such good neighborship. Mr. Bull, who had predicted they could never get along by themselves or without him, began to despair of their ruin, and set himself to make friends and customers of them.

But about this time a feeling of jealousy be-

gan to spring up among them from causes that it will be now necessary to mention. The children of the common ancestor dwelling upon White Acre, found it very unprofitable to labor for themselves and the black creatures also which were amongst them. So they determined to rid themselves of all such as had fallen to them by inheritance or traffic. They therefore proclaimed a great jubilee to take place that day seven years. This they likened to that of the Hebrews, and it was made known that on that day they would "proclaim liberty throughout all the land unto all the inhabitants thereof," as is written in Leviticus, xxv ch. 8 verse. But though this was done, yet it was to be observed that there were never so many of the black creatures seen amongst them after this jubilee as had been numbered before. This occasioned great marvel to the curious in such subjects, though malicious persons said that, before the arrival of this seventh year, many, to save the trouble of manumission, shipped their blacks to other parts

and so made merchandize of them, whereof, it was also noted that those who were supposed to have done so were the most strenuous advocates for enforcing the jubilee rigidly, and celebrated it with the loudest acclamations.

But when certain of them having deprived themselves of the services of the black creatures, could see the tenants of Black Acre riding about the land, and hear the blacks who worked for them shouting their outlandish songs as they went to their meals or came home from plough, they began greatly to envy the happy state and condition of Black Acre. So it occurred to them that if they could break up this happy family, two results would accrue to their advantage. The first, that the blacks being enticed away from their masters, could be persuaded to labor at very low wages for those who "took them out of the house of bondage," especially if for any contumacy they might be threatened with confinement again in that figurative fabric. The second reason was, that their cousins of Black Acre being

deprived of their bondsmen, would no longer ride about the country, and assume to be first at all feasts, weddings, and other public meetings, but would stay at home and labor like themselves. So they soon began to preach against the iniquity of holding fellow creatures in bondage, and it was discovered about the same time, that these black creatures had souls and were like other human beings, there being only the difference that they had black skins instead of white, wool instead of hair, that the instep was on the bottom of the foot instead of on top. The calf of the leg was on the shin, and that they emitted a pungent and disagreeable odor when they took much exercise or grew angry.

Amongst the smartest of those who began to talk in that way was one Eleazar Double-track. He had, no doubt, acquired that name because his foot was so long and shapeless, that you could not, for your life, determine by looking at the print of his foot, which way he had gone. He had long been desirous of em-

ployment as manager upon the Black Acre plantation, but, although the owners were good livers, took their ease and always owed some money, yet they would never employ Eleazar but once. For he had been their overseer, having come recommended as a man having his employer's interest more at heart than his own, but perhaps he did not sustain that character, for though he made every exertion to obtain the same employment after his time was up, they would have nothing more to do with him, at which, of course, he grew very angry.

So Eleazar in conjunction with one Christopher Rant who had also taken offence some years before, because he too had been turned off, and refused further employment, determined that it would be best to deprive the Black Acre people of their help, they would then be obliged to sell their farm or let it out to be farmed by others. These men had been violent enemies of each other when seeking the same situation, but they came to agree perfectly in this plan and never differed after.

Eleazar began upon one occasion talking in this wise.—This chat between them took place in Kit's little store.

—"These Black Acre boys have'nt got a bad crop this year."

—"Yes," replied Kit, "drot 'em they think the world belongs to them, but it's all owin to the black creatures that does the work, while they lay in the shade. But that wont last always. They wanted me to drive for them, but I let them know that I did'nt suck a raw hide when I was a baby, and should'nt do no such thing."

Eleazar knew that no such proposition had ever been made to Kit, but he remarked,

"'Pears to me these boys has an easier berth than we do any way, grubbin amongst these flints and fishin in the cold wind."

—"Thar never was a fair division of the estate no how," answered Kit. "My old dad was there when they allotted the property. The old man always allowed that the blacks was just the same as so many horses at the

time, for nobody thought about their having souls then. The old man he stood out that they ought to pay taxes on them. But the Black Acre people said they was people,"—just listen how they could talk and laugh—"and ought to have some say in managing the estate matters. My old man got powerful mad, he said they was more like oxen or horses, for they did a tarnal more working than talking, and finally swore if they did'nt pay taxes, the Black Acre people should'nt draw nothing out of the estate for their support. So they called in men and it was agreed that the blacks was not to pay full taxes, nor to have full sheers in the business, but that five of them should be counted about equal to three of us, in paying or taking. The old man always said the Black Acre people had the best share of the property, and they've hilt it ever since."

"Wall," said Eleazar, "it allers kinder seemed that away to me, but I dont rightly see how it can be altered."

—"I've thought of a way," said Christopher,

"to right myself for the slight they tried to put on me when they sacked me, and if you're not afeerd, I'll tell you."

"No," said Eleazar, shutting up his pocket knife, closing the door and putting a table against it, "I'm not to say afeerd, but it's best not to be too brash about nothing." Then he went out of the back door, and having looked around and under the house, for he was very scary, and seeing no one, he came back and bid Kit "go on."

Now Kit had this merit, he did not care who heard him. So without beating the bush at all, he said "you jist only git them blacks out of their hands, and their lands will be of little or no account, and we can get them for next to nothing."

This disappointed Eleazar as much as the notable proposal to bell the cat must have done the assembled rats. So he said with much sadness of visage, "ah! but how is that to be brought about?"

"Why," said Kit, "I'll tell you,—but you

are such a darned slippery coot that I do'nt believe I will."

But Eleazar pleaded with him so earnestly that Christopher went on.

"My old father told me this: ses he, 'old Mr. Bull had no right to take them black creatures from their own country at first. He stated as much to me in his own counting room, when I was sent over to settle with him after the old suit.' It was one reason why the old man was so willing to the jubilee. He said when Mr. Bull lost the contract of furnishing old Armado's plantations, he set himself to overset the whole business. So he says to my old dad as I told you, and he said to me, the Black Acre people has no right to them black creatures, an' whoever tries it at law will find it so, only let them subpœny me as a witness, said Mr. Bull, and I'll prove it clear as a whistle." Upon this startling disclosure, Eleazar looked very hard at Kit who returned his gaze with equal intensity. Then Kit nodded very emphatically, as if to hammer in the im-

pression he had evidently made upon his companion.

"But," said Eleazar, as if anxious to have every difficulty solved by an adviser so sagacious, "these black creatures are as poor as mice, how are they to hire lawyers, pay witnesses, or even get time to attend court?"

"*We'll do it for them, and they will work it out at our own wages afterwards!*" said Kit, hissing out the words as if they came from the spout of a teakettle.

So Eleazar just whistled straight on for about five minutes, and then resumed whittling out an axe helve which he was making to sell to some of the Black Acre people.

"How do you like that," asked Kit, after an interval of some minutes.

"Wall, I'm kinder inclined to judge it'll rile them boys fust rate. But who's to pay the money out at the first?"

Kit looked at his incredulous companion as sour as a cast iron face on a Dutch stove plate, but there came a twinkle of fun or cun-

ning in his grey eyes as he whispered to his friend, "we'll make the niggers pay it." The change in Eleazar's physiognomy at this clever solution was remarkable. He looked hard at Kit for an instant, and then his whole system giving way at the joke, he broke out into a fit of laughter, which, every attempt to restrain, forced out in successive explosions, just as an indiscreet attempt to stop a beer bottle with one's thumb, seems to provoke it to continued eruptions. But both regained their gravity. Kit took down the bars, opened the doors, and accompanied Eleazar part of the way home. Judging however it might breed neighborhood talk if they were seen too much together, they separated, nor were they afterwards seen in company together, though other people no doubt went between them from time to time.

CHAPTER V.

Of course this subject did not diminish in importance. No abstract question produces a more untiring discussion than the affairs of other people. There can be no compromise where one of the parties has nothing at stake. The rights of the black creatures found many advocates. Mr. Bull having cyphered the whole thing out, discovered that he had been worse than doing wrong,—sinking money. He immediately ordered every one of his ships to quit the business of carrying the blacks and betake themselves to some better. He commenced denouncing every one who had anything to do with buying, selling or receiving the products of black labor. He moreover became very thick all of a sudden with the White Acre people.

It was not long after this the matter assumed a serious aspect. A writ in *detinue* was brought in the name of "Sneakright, who sued as the guardian and next friend of Mandingo Krooman, George the Third, Prince of Wales, Halifax, Harley, North, Bute, Caroline, Vilette, New Castle, Charlotte and others, against the heirs of Careless." This was the docket title of the suit, yet as it was known that those who had parted with their blacks were for the suit, and those who had not were against it, it was always spoken of as "Black Acre against White Acre."

When the process of *detinue* had been served upon old Mr. Careless, he called up the blacks to enquire what it meant, and what they wanted.

Old Mandingo was an African of more than eighty years of age. He had a head white as wool, great seams across his cheeks and breast, like burns. These were marks brought from his own country, they were supposed to represent the honors to which he was entitled,

the marks of the tribe to which he belonged, or the badges of an earlier bondage than that to which he had been consigned.

Old Mandingo was accompanied by his great grandson, a little black boy clad in a very long shirt of country linen, reaching nearly to his heels.

The old man sat down on the step of the door and enquired,

"What a wanta me?"

—"Why old man, I understand you wish to leave me."

"Who say so? Bress God, whar I go? Dey bring me here—Capin Drum—he British man—fine red coat, eber so much sword. He take me, put me in de hole, no water, no cassara, no yam. Well den, my time come I tink. Bress God dey pull me out de hole same like coon bin pull out of hollow, golly, same time ole massa dat gone, he feed me, ole missis she gib me britches, now say 'go way.' Go whar."

—"But they say you must leave me and be free."

Hereupon the old man became very angry, and cried out,

—"I lib here, I no go. Capin Drum git me gin, eh! no, God for dam, I no go. Gib me dram."

"But," continued squire Careless, "do you not wish to go back again to your own country?"

"No, no, God for dam, country eat me dis time, I bin eat dem long time. I no go."

The old man was known to be as obstinate as a mule or an opossum, he sat silent. There was no alternative but to give him a dram, and a hearty meal both of which he dispatched, and under the pilotage of his remote descendant departed to his cabin.

The other blacks manifested much alarm at the unusual proceedings. They reported that a white man had come into the field where they were at work, he asked their names which they gave him, he put them down on

paper, one by one. He asked them if they would like to be free, whereupon Henry had responded "yes sir, if I was free, I'd go fishin all de time dat I was not playing the banjo." But the white gentleman say that would'nt do, dat we should go wid him to a plantation called the White Acre, and live there. He say he raise oranges and white sugar, and nutmegs and rum. So we tell him we would like that very well if old master and all the people would go too.

The miller Ralph said the same person had been to see him. "He appeared to be a very clever gentleman, and was exprised that such a smart man as I was, should be keeping mill for another person without any pay. He took down my name, and asked me if I knew of any case of bad treatment in the neighborhood, so I told him of Anderson's Ike dat was whipped at the post for stealing, and Hancock's Sally that burned her child to spite her husband on account of another woman. Them was the worst I knew of. Then he asked me

if I did'nt know anything against my master, so I told him nothing, except that he let all the good niggers do the work, and the mean ones play, and that 'minds me sir, said he to his master, to tell you that Joe was fishin in the pond yesterday, and I could'nt git him to come down and let me put up the bag. He said the water made such a roaring he could'nt hear me, but I bound if I had called him to eat his dinner, he would have heard me."

They all told the same tale. Mary Jane, a good looking girl, said the gentleman that repaired the clock, and then stayed till his horse's back got well, pretending to be sick, had made honorable proposals of marriage to her if she would go with him to White Acre.

And what did you tell him? asked one of the young men.

"That I did'nt think him good looking enough to lope with," answered the girl with a laugh.

The old people talked it all over at night. They thought that the debts which they owed

should at least be discharged by the labor of the blacks, because they had been in great part contracted to Sam Scales for supporting the blacks themselves.

The old lady said she had undergone a great deal of trouble on their account, and should have to leave them any way in a very few years. She did'nt like being brought to poverty in her old age, but may be it might be some way for the best. If the law said the blacks was not their property she did not want them. The girls cried at the idea of seeing the old plantation and the servants scattered, but did not comprehend the financial question, or the points of law involved in the matter. The young men wanted to settle it by wager of battle, and when told that was inadmissible, said it did not make much difference, they would go to a new country, kill game, plant corn, and support every body, old and young.

But Col. Samuel Careless came over to take part in his brother's behalf. He held, it was true, very little interest in the property, but

resented the intermeddling. He conferred with young Robert Careless, who had recently studied law; they determined to retain the ablest counsel and resist the iniquitous attempts to the last.

The blacks held their own conferences also. They had assembled one night at Lady Nelly's cabin; she was a high tempered old person who regarded the family very much as if she were some old aunt from whom they had great expectations, and who expressed her mind with corresponding independence. She rated the children soundly when they played in the branch or eat green cherries, but always had something good for them when they came to see her. They would bring their grievances to her, and often cried themselves to sleep about some wrong done to them by an elder brother or sister. . In such cases Aunt Nelly would take their part, threatening what terrible things she intended to do with "that Robert" or "John" when she caught them. Then the

afflicted one, comforted with the declaration of such a formidable power in their behalf, would sob itself to sleep upon her lap, when she would kindly lay it upon her bed, taking that occasion to restore, with a few touches of a wet towel, that brightness of countenance which dirt and vexation had obscured. When, after a refreshing nap, it would awake, having slept away all its griefs, the little urchin would make its appearance at the house with a placid face fitted about half way into a large apple or cake. Lady Nelly, however, treated her master and mistress with great deference, and looked upon the young ladies with a proud admiration, honestly believing that they owed much of their grace to the lessons in deportment, which she had aided in inculcating upon them.

In a word, she considered herself a member of the family,—though in the old English phrase, "setting below the salt,"—and therefore interested in its welfare and honor.

"What's all this," exclaimed Lady Nelly, "I hear about being free?"

"Oh!" said one, "a white man has come to take all our names down on a paper; we're to go to the court house and be free like white folks, to have every thing we want."

"I'm gwine to get me a hoss," said George, "fus thing, den,

> 'I'm gwine down to see de town,
> An car my 'bacco down dere.'"

"You better believe," said Henry with his usual laugh, "dat I'm gwine to swing dat long tail blue, an git a mahoginny banjo, I is dat.'

"You, poor fools," said Lady Nelly, "how do you expect to live?"

"I speck to run de ribber myself," said Joe.

> "'Dey libes off de riber bank,
> An dey libes berry well.'"

"Oh Joe you never did have any sense," politely interposed Mary Jane. "I intend to travel, I want to go to the big towns, and the

country where the preserves grow. Oh! I love pine apples and oranges so much."

"Why," said Henry, "dat's the country de white gemplum wants to carry us to. He lib in road—someting—'Road iron,' dat's it, he say oranges on his plantation grow big as punkin. He say any cullud gemplum, dat behave hisself like a gemplum, git what liquor he want on credit, if he never pay. He say dey has no use for close on the recount of de hot weather. Dey has no 'casion to work dout cullud gemplum want exkersise, den he gib him one silver dollar in his hand fore he hit a lick, and one silver dollar at night when he quit. All de time cullud gemplum sit at table wid him and help heself jest like white folks."

"That's the only truth he told you," said Lady Nelly, "*you can help yourselves just like whitefolks.* Its every man for himself there, while you can work they'll pay you and little wages at that, when you're sick or old you must take care of yourself. I have been in that country myself, with my mistress. If

there is any oranges there, they bring them from some where else. The winter lasts nearly as long there as the warm weather does here. As for what he told you about work, it was not true and he knew it; nobody in White Acre lives in idleness. They count every crumb that goes into your mouth. They are a saving people. They used to have servants themselves, but sold them because the expense was so great of feeding them, and the season was so short and so cold, they could make nothing out of them. You go there, you won't find plenty of milk and cold meat as you do at the gret house kitchen. If that man git's you, he means to make you work for him some way or another. Somebody has got to do what you do, and you can do nothing else. If you stay at home you'll git your clothes and vittles. When you are sick, you'll be taken care of, and when you're old like I am, you'll have a home and a friend. That's the truth about it, and you'll find it so, you'd better be contented as

you are till this lawsuit is decided, if it's decided in your life."

"As for you Henry," said she to her reprobate grandson, "if any body will clothe your back, and fill your belly, and keep your banjo strung, he'll do a good part by you for your work."

So saying, the old lady filled her pipe and went off to talk with her old mistress about it.

Her words had made an impression upon the group.

"Dat ole granny," said Henry, "she always 'scurrages any body."

"You had better mind what she tells you," said Ellen, "she knows what's good for us better than you do."

"I dunno dat," said Henry, "maybe she right bout dis lawsuit, but," said he, with his usual laugh:

"'I'm gwine down de creek myself,
To hab a little dance to night boys.'"

So saying, he got his banjo, whistled up Tige, and started down the path singing:

"'My ole mistiss she's gone down below,
To buy a little nigger for to jump Jim Crow.'"

We will accompany him.

CHAPTER VI.

The admonitions of the old woman were not without their influence upon the boy. He was by no means vicious, but at his period of life, when there seems an instinctive wish with every human being to secure for themselves a share in the business of the world, it usually seems to consist in striking out for themselves some new enterprise. How many have considered, like Henry, that to change their relations was to improve their condition; how many like him, have found that early friends and established pursuits were the safest road to happiness.

But unaccustomed to, or incapable of much reflection, the black shook off the sombre im-

pression of the moment, and resumed his habitual gaiety. The first fence that he crossed separated the field from the highway. The moon was bright, the night balmy, and the reaction, after a momentary depression, had entered his spirits in unusual exuberance.

He stopped in the road to rehearse a "break down." He clucked his banjo, threw his head back and began to dance after his own music. He had, in a few moments, like some heathen god, enveloped himself in a cloud of dust and song. He had no visible auditor except Tige, who was busy settling a flea account of long standing. Round and round, back step and double shuffle, now setting to some imaginary lady in the fence corner, now down on one knee, then poised on the points of his toes, but all the time, the same joyous refrain, with the clear notes of the banjo accompaniment, there was ten times the spirit and a hundred times the noise of a whole modern ball room. The performance closed with a stentorian whoop, which awoke the

echoes of the woods, and made the furtive oppossum hasten to his fastness.

"Wall, Hen-er-y," said a harsh voice from the opposite side of the road, "you appear to carry on pretty lively by yourself."

"Who dat?" exclaimed Henry, much alarmed.

"Why it's your gardeen and best friend."

"Dat you Mass Sneakright? why I aint bin see you dis longest, whar you bin peddlin?"

"Wall, Hen-er-y, I've bin travellin round this vale of tears, as the preachers say."

"Mass Sneak," said Henry, "I aint pay you all dem two dollars for dem rings you sell me; but I sell my bacco fore long, an pay you certain."

"Oh, you need'nt trouble yourself abeout that Hen-e-ry, I'm not particular abeout trifles."

In this he spoke the truth, for in selling one of his brass rings with a colored glass set for one dollar, he could without loss have given away a pint measure filled with them. So

there was not much of untruth or liberality in his declaration.

"How are you comin on Hen-er-y, any heow?" asked Sneakright.

"Old sorts, old sorts, mass Sneak, plenty work, daddy an uncle George after me constant bout playin de banjo and going to sleep while de hors is eatin."

"Wall, are you ready to do what I told you?"

"Mass Sneak I'm afeerd to do that."

—"Afeerd of what?"

—"Why I do'nt like to hurt nobody, if I was to take de money, as you say, an set fire to de gret house, somebody would get burnt certain, for de ress has got no better sense dan to put out de fire an save de family."

—"Why Hen-er-y, you must be a gaul darned ceoward! Before I'd serve a man all my life for *nothin*, I'd cut out his hasslets, an fry 'em and eat 'em, but what I'd git *my* money out of him."

—"Maybe, mass Sneak, dats what I is, but

I never has heerd it call by dat name before. What was it mass Sneak?" The negro like many of his race was a wag, he had never had the most distant idea of the arson and murder proposed by the pedlar. He wished to hear Sneakright repeat his pronunciation.

"Why you're a c-e-o-ward! that's what you are," replied Sneak, with a hyphen between each letter of the word.

"Well, I speck I'm dat myself," said the black, who could not suppress a grin at the nasal twang with which Sneakright pronounced the opprobrious epithet.

"But mass Sneak, what is the reason you don't do all dat you vise me to do, an git all de money yourself? you white folks so smart dey never catch you."

"Wall, to tell you the truth Hen-er-y, it's not in my line, I'm partly on the gospel lay myself—that is selling tracks sometimes, so I could'nt do such acts for the sake of lucre."

—"But you tell me it's mighty easy to git

all dis money, an not to forgit de silver spoons an sugar tongs. Huccum you tell me to do what you wont do youself?"

The honest reason was that Sneak preferred employing another set of fingers, and risking another neck than his own, but he took high moral ground.

"Why Hen-er-y, I hope I've got a saving light within me, that shows me it's not right to covet thy neighbor's sugar tongs nor nothin that is his, so it's none of my business to do these things, but only to tell you of your rights. I'm not in bondage and you ar, that's the difference. You know what I told you that Sunday abeout God's chosen people, how they war brought across the oshun like you, an put to hillin tobaccur, and toatin things on thar heads, and baring off brick just like you precisely? Now God advised them to steal everything they could lay their hands on, from their masters, and then to cut and run. Why it's in Exodus, XII chapter. Wall, why do'nt you do de same."

—"But Mass Sneak did God sen you here to put dat in my head."

—"Certainly, and to bring your poor enslaved soul out of the bondage of sin and ignorance. You ar a walking in a moral darkness, to which Egyptian darkness is a puffect blaze of spermaceti candles. That's what you ar."

In these harangues, Sneakright had an opportunity to ring in a few phrases borrowed from the homilies taught him when he had been employed as an agent for the sale of religious tractates. He had thus to use his own language, "worked the Black Acre circuit as a *cole porter*" (colporteur). He now paused to observe their effect upon the heathen.

"Well," said Henry, "I never hear uncle Reuben nor ole missis read 'bout dat, nor tell us we had right to kill nor steal. But," added the black, "if God want dem things done, He can make you do it ef he choose, but dis chile aint gwine to de court house on dat account. I wuld'nt do dat you tell me to save my life

and git all dat is in the world, dat's the God's truth Mass Sneak, and you had better not talk no more bout it."

—"Wall you ar the best judge of your own business, I'm sure it's none of mine."

—"I did had cluded," said Henry, "to try de norrard, and see all dem fine things you tell me bout ef I can come back, but white gemplum has sued for us all to be free, so I can go after dat takes place."

Sneakright pretended to be at the first of this news. So Henry had to tell him all he knew about it. During this narrative the peddler reflected that it would be better for him to secure Henry for himself, since the result of the lawsuit was uncertain, and if successful he could employ this black by way of earnest for his services. He therefore affected to make light of the whole matter and explained how it was that Henry could never expect to enjoy the freedom which he sought.

Henry was readily convinced—it concurred

with what his grandmother had said. He therefore assented to the proposal.

"Wall then Hen-e-r-y," said Sneak in his most insinuating tone, "could'nt you take a horse?"

"No Mass Sneak, I'm not gwine to take any thing but myself, dout it's de dog. I never did steal dat way sir. I has bin take bread or meat, or watermillion, cause its all in the fambly sir, and if nigger git it—master got him."

—"Wall have you got any money."

—"Mighty little Mass Sneak. I laid out all I had in clothes with you and de other peddlers. I tended to leave my mother all I had, I spected you had all dat was wanted."

—"Why you gawl darned fool!" said Sneak-right, losing command for an instant of his temper. "How do you suppose I'm gwine to pay your ferridge and eatin well on to five hundred miles crost rivers, and at taverns and turnpikes?"

—"Lor Mass Sneak," said Henry, opening his eyes very wide, "is it all dat way?"

—"Yes it's all dat way, every foot of it, and here I am overstaying my time waiting round for you, and you not got the first red cent nor intend to git it."

This was all done to impress the fugitive with the invaluable service rendered him, and was to be paid at some time with a highly compounded interest.

Henry was in a dilemma. He could only scratch his head with an air of great perplexity, gouge up the earth with his great toe, and snap his fingers abstractedly at Tige. He was dumb as a minister of finance under a bankrupt budget. At last he raised his head and replied: "I declare fore God, Mass Sneak, I never thought about all dis. I thought soon as I was free I would have plenty money, an I thought you had all the money."

—"Dont you brush your young master's clothes every morning?" resumed Sneakright rather abruptly.

"Yes sir, I does dat."

—"Ha'nt he always got money in his pockets?"

—"Yes sir, plenty."

"Wall cant you help yourself to jest enough to git off with, if you send it back to him from somewhere or another in a letter?"

—"Mass Sneak, mass Charles and me was raised boys together, if I ask him for money he will give it to me, but I aint gwine to rob him if I never git my freedom. So mass Sneak I speck we had better gin it up."

But Sneakright had no idea of raising insuperable obstacles, so he merely insisted that Henry should borrow some money from his young master, to which Henry said nothing, but internally resolved to do no such thing.

Then Sneakright softened down, told Henry that "he was his friend and would see him out of trouble." He had arranged to steal relays of horses out of distant pastures; he had plenty of spurious coin so well executed that no one could distinguish them from genuine. It had been his intention to sink whatever of

good money Henry could bring and replace it with his own make. This made him insist with such pertinacity that Henry should "despoil the Egyptians." So it was arranged that Sneakright should leave the neighborhood, and that Henry should join him on Saturday two weeks, with a pass, duly forged for that purpose by his confederate. It was supposed that by Monday following, they would be out of danger.

This was executed to the letter. They met and travelled as man and master. Sneakright represented himself as a preacher. He had "drawed Hen-e-ry on account of his wife's interest in her father's estate." He was very particular to say a great deal from the scripture in favor of bondage, quoting that text from I think Leviticus, "the Lord smote the Ethiopians and the Ethiopians fled." From this text he showed that as the Ethiopians were black creatures, and the Lord smote them, it was perfectly clear the flagellations of those held in bondage by the Black Acre

people, was an act sanctioned if not enjoined by divine example. In addition to these essays, he regularly prayed off the bill every night, and as he sang a remarkably long hymn in a loud and pious manner, through his nose, the two fugitives passed by a comfortable Exodus, "out of the house of bondage, and the hands of the Philistines," as Sneakright by a happy combination of two distinct texts was in the habit of saying.

CHAPTER VII.

THERE was great delight throughout White Acre, when it was known that Sneakright, the agent of Eleazar and Christopher, had returned. The Rev. Ananias Thistle hastened to make known to Mistress Keziah Clam, and a selected few of his congregation, united by a congeniality of sentiment, that "the messenger had returned with an enfranchised captive."

The Rev. Thistle was a pastor of some dissenting doctrine. He was amongst theologians like those nondescripts which naturalists cannot classify. You could not tell to what particular persuasion he belonged, for after having heard him descant upon Arianism, Antinomianism, Erastianism, and Calvinism,

one felt the same admiration for his learning, and the same doubt about its precise application, that the Vicar of Wakefield did when he heard the essays upon Cosmogony from the philosopher of the fair. You were certain the Rev. Thistle did not agree with any one else without knowing precisely what tenets he believed in himself. He was the most dissenting of dissenters.

But he had one indisputable mission; it was to effect the liberation of the heathen held in bondage by the cruel slave breeders of Black Acre. To this text were all his discourses clearly referrible. The means whereby this was to be effected consisted in paying ready money to him, and sending agents to incur the penalties of his purposes.

Mistress Keziah Clam was a widowed lady of ghastly aspect. Her husband, Captain Clam, "having gone down to the sea in ships," never came up again, or had made his abode in parts so remote, that he heard not the sound of his wife's tongue within the past seven years.

Indeed, the uncharitable said that was the cause of his disappearance. But as the follower of Monmouth, and other great men beheaded for their opinions, always maintained that the execution was a sham, and the hero of their idolatry would appear again in good time, so were these persons wholly incredulous of the oft reputed death of Captain Clam, hesitating not to say, that if the strong minded lady who is the subject of this panegyric were once fairly under ground, he would appear again as happy as the shell fish of that name at high water. Howbeit after his departure, and the reported news of his death, Mistress Clam had complied rigidly with the ritual of grief in such cases made and provided. She realised every farthing left by the absconding Clam, invested the same in a Savings Bank certificate in her own proper name, and departed to teach the children of Black Acre to sew samplers, sit as straight against the wall as so many little images; prefer the discourses of Baxter to Sanford and Merton, Newton's

Principia [translated] to tops or marbles. This she called "crucifying the old man Adam," though it was plain he was here typified by a little fellow altogether unable to help himself. The children, by degrees, grew up or wore out under this grim disciplinarian. But the salary being insufficient to justify her in denying to the rest of the world the advantages of her system, this invaluable matron tore herself from the *quod restat* of her patrons and pupils, and transferred the scene of her labors to the more economical land of her birth. During her sojourn in Black Acre, she had, however, filled her portfolio with narratives, of everything she had ever heard of a painful or scandalous character. These things inseparable from human society, and existing, in a less degree, in the peaceful, orderly, and secluded society into which she had obtained admission, upon a plea of relationship and piety, she exaggerated, for her own purposes.

But upon her return she was greeted with a

consular letter advising whom it might concern that the enterprising Captain Clam was certainly no more. He had been arrested in an attempt to run some contraband packages into one of the ports of Don Armado, had been thrust into their calaboso, and died, it was believed, of vomito. Any way he never reappeared, and his pious helpmate got up a claim against the wrong doing government, and all others in alliance with it, affirming the known character of her husband, and her own loss, in having been deprived of the counsels and conversations of this exemplary mariner, in the very pathetic manner in which relics have ever represented their personal and pecuniary grievances. Meanwhile, as amongst the Isralites, she returned to, and dwelt with her own peculiar people, inconsolable in her grief, unappeasable in her temper, and intent upon holding all governments—her own included—responsible as principle or endorser for the wrong done in the incarceration of her lawful spouse.

Miss Maria Mule was the editress of the Emancipator, the object of which was to liberate women and black people from servitude. Her patrons spun yarn in a large factory, and she did the same in a figurative sense in the columns of her journal.

Deacon Grubb had owned the land upon which this factory was seated, and awaking one morning found himself opulent, which result he always attributed to his own sagacity, though he had never had the most remote idea of what use the speculator who bought his land had intended to do with it.

Then there was a certain Joe Grant, the grandson of the deacon. His leading traits were a love of diffusive stimuli in every conceivable form, a tendency to profane swearing, an addictedness to segars and tobacco, with a general and voluntary declaration that you might "bet your life" upon innumerable propositions advanced by him, thereby showing either that he set an appallingly low estimate on human existence, or that his own opinions were

infallible. He was on a visit from the city of Nieu Amsterdam, or New York. He wore on state occasions a red flannel shirt embroidered with the mystic number 90, which he had told his cousins was the number of "der macheen he run wid." He had quitted the attractive city of his residence until the adjournment of the Spring Courts, his absence having some undefined connection with an action for damages, standing in the name of "Diggins and another, vs. Grant and another." The declaration in this suit set forth in complicated terms, that the said Diggins had been "smashed on the head with a spanner."

Joe Grant stood outside the door upon this occasion, smoking a very hard segar, which would have required the strongest banking house in London to draw against it with any effect. Joe failed to raise the ghost of a smoke under the highest pressure which he could command, though he puffed till his cheeks met and his "eyes stood out," not exactly "with fatness," but with muscular contrac-

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tion. "So d——g the segar and the nigger that made it," Joe threw it away and turned into the house.

The rest of this meeting—called "the Wanderer's Welcome"—consisted of citizens generally, who shook hands with everybody, and took the census of all the bad colds and other ailments in the neighborhood, whilst the reception was in rehearsal.

Suddenly Henry, clad in his fatigue dress—"his habit whilst he" traveled—with his banjo and bundle stood before them in an attitude of melo-dramatic surprise, whilst Sneak stopped, listened, raised his feet with great caution, looked around and having assured Henry that all was safe, and lifted his eyes with thankful fervor to Heaven, flew to shaking hands all around, as a dramatic gypsy just returned from a successful foray upon the poultry and clothes lines, invariably does with the delighted band, who mourned him as safely laid by the heels.

Henry was soon introduced to the sympathising throng. The damsels took his banjo,

regarded his rent garments with pantomimic indications of horror and surprise, and upon the whole, demeaned themselves as the fairies are supposed to do upon tendering the hospitalities of their kingdom to Bully Bottom in the disguise of an ass.

Brother Sneakright having desired the Rev. Thistle to invoke a blessing upon his adven ture, proceeded to occupy the attention of the meeting, by a detailed report of his agency, in the course of which it appeared he had, upon his own testimony, been guilty of ingratitude, lying, theft, burglary, counterfeiting the current coin, and subornation of murder and arson if his counsels had been followed.

This successful enterprise was likened by the Rev. Thistle to that of Jonathan and his armor bearer, and an earnest prayer was lifted up by that shepherdess, Miss Mule, that "he might return and smite Amalek and utterly destroy all that they have, and spare them not, but slay man and woman and infant, and suck-

ling ox, and sheep, and camel and ass," an outrage which it was not likely Amalek could ever retaliate upon Miss Maria Mule, seeing that she was a stalactitic spinster of some thirty-five years, without any more symptoms of womanhood about her than a piece of Derbyshire spar, or Dame Quickly in the ribald language of Falstaff. It was by this quotation, Miss Mule expressed an amiable wish that Black Acre should be utterly broken up.

The ladies all pitied Henry greatly.—Some likened him to a christian captive in Turkey or Algiers, and asked him if he could not "execute upon his Ethiopian guitar, the plaintive song 'by the waters of Babylon, I sat down and wept?'" Henry neither knew the air nor the instrument by that name.

With the narrative and questions growing out of it, the whole party was miserable to their hearts' content. They had often seen colored persons, but never one so recently stolen. "The victim," as he was called, was

a good tempered fellow, with a head that looked like a dropsical ball of black yarn. His hair was plaited in points, which stood out as the quills are said to do upon "the fretful porcupine." He was very black, very plump, and the ladies considered him very interesting. They said it was "a great pity God had not made everybody black or everybody white, it did not matter much which."

"Now," cried Mistress Keziah, "you see what I have always told you. Here is a poor degraded fellow creature who has worn the collar and tilled the soil for those blood thirsty dealers in human flesh, he has been reared on the cries of agony and fed on stripes like—" "the wild ass of the desert—" groaned the Rev. Thistle, not reflecting that the particular animal referred to had never suffered much from that particular punishment. "Down his cheeks," continued Mistress Clam, "the tears of sympathy have flowed for others. Down his back the blood and sweat have poured for himself. Often has he knelt to beseech the

God that had not denied him life would exchange it for eternal freedom. Oh! if his person were at this moment exposed to your incredulous eyes, you would see the record of human wrong seared in ineradicable characters."

"Lord sakes, it ain't possible," cried every body with mingled curiosity and concern. "Let the colored brother exhibit the certificate of his wrongs," said some one.

Now Sneakright looking upon Henry much in the light of a kangaroo, with whose physical care and moral culture he had been once entrusted as part of the personel of a menagerie, caught readily at a suggestion so well calculated to excite popular interest. He knew that this might be advantageously embodied in a descriptive pamphlet, and with an essay upon the tortures to which the blacks were subjected, would add much to the value of his enterprise.

"Wall," said he, "Hen-e-ry ef all's agreeable you had better strip off your clothin." He had no idea it would have been permitted.

"Before all dese ladies sir?" exclaimed Henry.

"Bless your benighted soul," said Mistress Clam, "in the cause of humanity all conventional notions of delicacy are forgotten. Just as there are no sexes in heaven. For myself, accustomed as I have been to contemplate the black recesses of those hearts which have inflicted this wrong upon you, think you that I would shrink from surveying the proofs of their cruelty? No, like an Etruscan or a Roman, or any other sort of a matron, let me set the example of spurning this false delicacy."

The damsels, however, not being quite so care-hardened, whispered each other and changed color. They all, however, got upon the staircase which led from the apartment and looked on with the same decorum that a young lady making a tour of the continent would inspect the Belvidere Apollo, the Farnese Hercules, or the Dying Gladiator.

Sneakright was confused, but ordered Henery to do as he was directed.

The victim having a general idea that the confirmation of his freedom depended upon his strict obedience to Mass Sneak,—who he regarded somewhat as what the modern novelists would call his "fate,"—retired beyond a half open door, and was soon ready to present his back and shoulders for inspection.

But no sooner did he commence his preparations than a pungent odor pervaded the apartment, making dim the spectacles of the Rev. Thistle, whilst the young ladies coughed without restraint. It resembled the combined fragrance of the herb onions with the drug assafœtida.

But when the back of "the victim" was inspected, to the secret chagrin of Mistress Keziah, it was found as smooth as a boiled ham!

There was not a mark to be seen upon it!

The spectators were amazed and would perhaps have hissed the priestess of the ceremonies, for the failure of representation, but that lady not a whit abashed exclaimed. "My

friends these cruel tyrants have as much variety in their torments as the Sybarites had in their pleasures. This poor wretch has been tortured otherwise, "Brother Sneakright," said the ex-school mistress, "let the captive denude himself of his crural integuments."

"Madam!" exclaimed Sneak in some alarm, lest this command, to him incomprehensible, should involve some still greater departure from the ordinary conventionalities of which she had just expressed such contempt.

The young ladies in their pathological innocence, manifested renewed anxiety about this persistent enquiry after the seat of the supposed tortures.

"Let us see his shins," interpreted the Rev. Thistle. This exposition brought general relief and was easily made. The shin presented the curvilinear profile usual with the race to which Henry belonged. "This," Mistress Clam explained, "was caused by the heavy burdens imposed upon the infantile cranium, which occasioned by its pressure an irregular

deflection from the proper perpendicular of the crural supporters.

"But behold the proof!" she exclaimed. All turned to look. It was true. The shin presented a variegated appearance, contrasting with the general ebony of the limb, in a series of banded stripes; being scars in various stages of cicatrization and convalescence. The shin looked like the bark of a young cherry tree. It bore a faithful record of all the injuries he had ever inflicted upon himself, by sleeping in imprudent proximity to the fire, or by falling over logs in hunting or other nocturnal excursions. Mistress Clam seized upon this anomalous and abnormal shin, and amid the universal vocal sympathies expressed operatically thus:

Miss Clam, } Gracious Father! }
Miss Mule, } Did I ever!! }
Miss Saracina, } No I never!!! }
Rev. Thistle, } What an object! }
Sneakright, } This aint nothin!! }
Deacon Grant, } Lord preserve us!!! }

Joe Grant, Go it boots!

The cunning Mistress Clam seized upon the variegated shin, and amid the sympathetic ejaculations of the party, discoursed as follows:

"Behold the ingenuity of torment!" Here she pointed with the cane of the Rev. Thistle very much as an itinerant lecturer on Astronomy might indicate the particular planets in an orrery. "The Inquisition tortures its victim into orthodoxy by destroying fame, life, goods. The savage of the forest rejoices in the visible pangs of his prisoner, and drinks his life blood with delight. Those who pursue the mighty leviathan, adroitly pierce the seat of life, through the mass of superincumbent blubber. The mighty bull with but a needle in his spine, rolls dead before the subtle matadore.

"Providence foreseeing the fate of the unhappy Nubian—knowing that he was to fall into a power more skilful and unrelenting than any of these, sent him into bondage with a head impervious to blows, and capable of resisting every ordinary impulse of irregulated

passion. The slave slayer, with an ingenious instinct of cruelty, finding his intention defeated by a natural defence, looks with the eye of a practised anatomist, selects the most tender point in the African system, he strikes the unhappy creature upon his shin, and laughs as he beholds him writhing in unspeakable tortures!

"Yes, my friends, the heart of this unfortunate being is, so to speak, in his shin. This is his sensorium, and well his tyrants know it. In the torment inflicted upon this tender and variegated surface, you behold the last refuge of cruelty."

The audience looked upon Henry and his shin as if he were some double headed pig, or some other monstrosity. Elderly gentlemen inspected him through their spectacles. Young ladies made diagrammatic illustrations of spherical trigonometry, by opening their pretty eyes and mouths, with every linear variety of astonishment. Old ladies touched the shin with that courage that enables such

amateurs to "doctor" all sorts of "wounds." They even recommended plaisters, poultices, cataplasms of particular yarbs, that had produced wonderful effects in their practice, and one of them, a bolder practitioner than the rest, recommended that it ought to be "amputationed right off."

Henry looked on with much anxiety. He regarded this as an inspection which it was indispensable to his freedom he should pass creditably. So at a wink from Sneak, he counterfeited great pain, winced, shrank and made terrible grimaces, whenever any one touched or even pointed at his shin. But he was not prepared to offer an explanation of the various incidents recorded upon his shin as a mnemotechnic calendar of his adventures.

A collection was next taken up for the benefit of the cause. Mistress Clam did not intermit her anathemas against the "soul drivers" long enough to put her hands in her pocket.

Miss Mule not finding it editorially convenient to raise anything else at that moment,

raised the song of Miriam the prophetess, for the delivery of Israel.

The Rev. Thistle took the bull boldly by the horns, and carried round the plate. He was supposed to contribute very liberally after everybody else was done. But the Rev. Thistle belonged to that class of philanthropists, who watch impartially that the right hand may take no advantage in good works over the left by giving away the common property, and prevent strife between these irreconcilable members, by forbidding either to bestow anything.

But whilst the business of the meeting was suspended, and nothing was heard but the varying tone of the coin, as copper pennies, silver sixpences and shillings, each jingled for an instant like so many little bells, rung by their ostentatious owners to call attention to their donations, Joe Grant sung out in a rather loud and disrespectful tone, "Sahay! ink-bug! why don't yer string up yer jewsharp, and give us a bra-hake down?"

"Suttenly, suttenly sir, if Mass Sneak and de ladies sesso," replied Henry.

Though this abrupt proposal met with some opposition from the more rabid section of the meeting, yet the young ladies were in ecstacies at the idea. "It was so original,—only Joe Grant had'nt ought to call him an 'ink-bug.' It was so unfeeling."'

Joe proposed to amend the appellation by substituting the term "snow ball." But this was rejected with indignation.

"No," said the fair editress, "call him Mr. De Silvester. This was adopted by acclamation. It was perhaps appropriate as indicating that he had come out of the woods, as the derivation of the name somewhat imported.

Still Mr. De Silvester was uncertain how the proposal would be received. He looked doubtingly around as if to collect their suffrages by the eye whilst he was tuning up his banjo, but before he could call any division upon the question, Joe Grant struck his cudgel

upon the floor, seized a pretty cousin by the hand, and cried, "why don't yer g'lang," with an air of authority, so much like an overseer that Henry slewed round his banjo and after having clucked the strings and spat into the screw holes, he then threw back his head, rolled up his eyes, opened his mouth like an alligator and shouted with a true African howl:

"Hoe-cake! Hoe-cake!
Snake-bake-de-hoe-cake!"

And swept the chords as if the whole Collins' family of the Passions had been performing at the same time. Anon upon the energetic interposition of Joe Grant—the measure changed, and Henry gave the popular breakdown of "Oh Lord Ladies." When others following the example of Joe Grant, an impromptu dance was organized. But no sooner was this obvious than Mrs. Clam and Miss Mule rushed into the midst of them, with uplifted eyes and hands they denounced Joe Grant as many degrees worse than those on whom the tower of Si-

loam fell. Whereupon the incorrigible Joe menacing Henry with his cudgel, "set" to Mistress Clam with an audacity at which the bystanders grew pale, "turned" Miss Maria Mule, and would have "swung corners" with the Rev. Thistle, had not that divine precipitately withdrawn. Then in the midst of a rage perfectly terrific on the part of the lady patronesses of the "Wanderer's Welcome," danced Joe Grant crying, "hands around! go it Aunty Clam! Hurrah Snowball, who-o-oop!" Just as if he had been at some profane saltation at the Bowerie. Then horror of horrors! he saluted the chaste cheek of Mistress Clam with what Shakespeare has called in the Taming of the Shrew, a "clamorous smack," which caused this lady to intermit her maledictions long enough to repay the same with an audible "spang" upon the wicked fireman's face, which he minded no more than a raw hide would a musquito; but rather caused him to laugh louder, and backstep to an extent that appalled the timid, and

excited Henry's liveliest admiration. The reluctant damsels were compelled by their indignant mammas to quit the gay circle. It then narrowed down to a pas seul by Mr. Grant. In this he acquitted himself so well that Henry, forgetting utterly where he was, came forward, played his banjo over his head, behind his back, and under his arm! shouting his song with such stentorian voice that the room was crowded with new comers. He introduced many extemporaneous and choral commendations of Mr. Joe Grant's "heel and toe," "double shuffle," "back step," and "double trouble," patted his huge foot with such emphasis that premonitory bits of plaster began to fall from the ceiling, and Deacon Grant finding his authority totally disregarded, indignantly blew out the candles, and the performance terminated in a highly embroidered scream from Miss Mule, whom the incorrigible Joe Grant had clasped in his arms, and kissed in a most boisterous manner, laughing and shouting at the top of his voice the whole

time. Henry was thus arrested whilst the œstrum,—as the poets and musicians call it,—was upon him. He made hasty and profound apologies and departed with his patron saint, Mass Sneak. The meeting then broke up; the dramatic direction being "exeunt several ways."

CHAPTER VIII.

WITHIN a few days Henry was, without his knowledge or consent, parcelled out amongst various stockholders who advanced the money necessary for his clothing and other expenses, with the agreement on the part of Sneakright to divide the profits of his exhibition. This was necessary in order to reimburse Mr. Sneakright and the association for the incredible hardships, and incalculable expenses of his deportation. From having been the property of one man, Henry had unconsciously become "a joint stock nigger."

Very soon afterwards, Sneakright after having prepared him properly by divers rehearsals, proceeded to exhibit Henry as the "Mutilated

Fugitive." His method was to post handbills in every village, headed in large capitals, "The Bloody Deeds of Black Acre!" A wood cut represented two white men beating a black one with clubs, whilst a third was marking his ears like those of a pig. There was a succinct narrative of Henry's birth, raising and rescue, with other engravings illustrative of every principal event. The handbill was bordered with handcuffs with cowskin whips crossed at intervals.

The performance commenced with a lecture by "Professor Sneakright," in the course of which, he explained the social condition of the Black Acre family. We give an extract:

"Gentlemen and Ladies:

"You will now hear from an eye and ear witness, A narrative of Enormities without a parallel in the annals of human iniquity. Nero was regarded as a *tollable* bloodthirsty tyreant. The Borgeas was indicted for every crime known at that early age. The massacres of

St. Bartholomew, and the slaughters of the Boyne, have all become time-worn types of treachery and crime. Savages have of late days been known to *emply* various devices to enhance and prolong the torments of their victims. But all these have been ministers of mercy in comparison with the bloody—the inhuman—the *barbarious* treatment of their fellow creatures, by those who now disgrace the neighboring farm of Black Acre, by their abominable enormities, and who, I blush to acknowledge, are our kindred."

Here Henry was trained to tuck down his head and blubber audibly.

The Professor after a sympathetic look at the "victim" would continue,

"This, ladies and gentlemen, is one of the victims of that barbarity, drawn mutilated from his tormentors, at the risk of my life. Yes! I with this faithful creature was pursued with blood-hounds, shot at with guns and pistols. For five long days the forest resounded

with their infuriate cries, but on the sixth I emerged, panting and exhausted, bearing this helpless fugitive from his oppressors, and planting his footsteps upon the soil of freedom, swore that he should never! never!! Never!!! be a slave again," [tremendous applause]. Here Henry had been trained to rush forward and go through the pantomime presented by Friday, the savage help of Robinson Crusoe; by prostrating himself and placing the foot of the professor upon his neck.

—"No!" cried the orator, raising the black from the floor. "Rise my equal! my brother!! my friend!!!" Thereupon Henry and the professor rushed into each others' arms, as they are accustomed to do on the stage, clapping each other on the back—thrusting each other apart as if to be assured that they are really embracing the right person, and then rushing together again as if they had not seen each other for many years, or were about to part and go across the ocean. No audience ever wit-

nessed this without having to wring out their pocket handkerchiefs immediately afterwards, and insist that the price of admission ought to be raised—in the very next town where they exhibited.

The Professor continued,

"You shall now, ladies and gentlemen, witness for yourselves the proofs of that barbarity of which I have spoken."

Hereupon the fugitive stripped off his upper garment, to display what was generally called "The Black Scene." The ingenious professor profiting by the suggestions of his first exhibition, had manufactured out of harness leather, an exact representation of a roughly scarified surface, with various letters and figures branded thereon. It was neatly secured to the natural skin by an adhesive substance, and lightly anointed with what the tanners call "dubbin," to resemble the adjoining surface. Upon this spectacle—which was still

too tender to touch—the Professor thus descanted:

"Ladies and gentlemen, you now behold the identical back of this here boy, cut, carved, and mawmocked in this *barbarious manner*. This, gentlemen and ladies, represents the picture of a horse. That's done to gratify the children. Every man has his different figures and letters branded jest as you have different letters and pictures on your snuff boxes, to know them from anybody else's. Here's the two first letters of his master's name, 'Charles Careless of B. A.,' and here's the others that has owned him from time to time. Every time they pass from hand to hand, they always marks them just as you endorse a note of hand. Why bless you, I have seen the weakly ones—or maybe fittified—for they cheat one another mostly with sich, that had more marks on thar backs than any corner tree in the oldest survey in this settlement. I have seen them whar they actilly had to mark

round on the front side, because they want no more room on the hind parts. I ask parding ladies, but I can't spar sich villians for the sake of politeness." (Immense applause.)

The shins of Henry had been greatly improved by painting, and a very voluble explanation was given of the manner in which the "tyreants" extorted more work from the slave after he had sank at his task. It seems that as an overdriven or sullen ox is made to rise by twisting his tail violently, so an overworked slave was kept going by raps given upon the tender shin always kept skilfully cicatrized for that purpose.

Henry then came forward and was received with applause and showers of bouquets, which he acknowledged, by bowing his black head, to the four quarters of the compass. He then detailed with the utmost minuteness the number of lashes received, the number of hours he had been hanged up by his toes at the command of various "tyreants." He showed them how he used to prepare Indian corn for food,

rasping it off with his prodigious teeth just like a horse. He concluded his part of the performance by a song on the banjo, to the popular refrain of "git ober double trouble."

This is but a sketch of the exhibition. We have been compelled to omit the spirited personal narrative of the professor, for it would appear tame on paper in comparison with his pantomimic presentation. Lately there has been seen at the Saddlers' Wells and elsewhere a representation of an Indian on horseback, fighting with, and pursued by his enemies. He brandishes his tomahawk, draws his bow, sounds the warwhoop and scalps his enemy all in dumb show—except the whoop of course—and all at the full speed of his horse. This, if it can be seen with convenience by the reader, will give some faint impression of the graphic manner in which the professor was pursued by the "Philistines," how he stood at bay, resisted and slew them with a fiendish Ha! Ha!! Ha!!! at every thrust. How he

swam across the river of the Chesapeake in those distant parts on a log, with the panting fugitive before him on a horse like a sick baby. All this was received with rounds of applause and sent the tender hearted auditors home with moist eyes, empty pockets, and hearts burning with indignation against the "tyreants" of Black Acre.

The critical reader will have noted the difference between the literary style of the professor and his pronunciation. This is thus to be accounted for. The lecture had been prepared by a schoolmaster, who in this manner worked out "one share" in the "mutilated fugitive." The narrative of tortures was copied nearly *verbatim* from the treatment of an apprentice girl by one Elizabeth Brownrigg, and of a private soldier by one Colonel Picton, both of which occurred in the household of Mr. Bull and may be read at large in the Newgate Calendar. The pronunciation and emphasis of the professor was his own, and the facts supplied by him from time to time were

embodied in his narrative from time to time by the schoolmaster, so that at last it became quite uniform, though the peculiarities of impudence and ignorance which distinguished Sneakright were never successfully concealed.

The performances were profitable and very agreeable to Henry, who liked nothing better than plenty to eat, and nothing to do except play on the banjo, idle about, or go to sleep.

CHAPTER IX.

It has here become necessary to relate a still further dispute which grew out of the same subject. This suit had been, as will be seen, partially settled between the parties, but like an imperfectly cured disorder, it broke out afterwards much worse than at first. Indeed it was so much complicated with the main suit that we have thought proper to relate it here.

THE DISPUTED BOUNDARY.

It was not very long after the last lawsuit with Mr. Bull, that a little man named Monsieur Grenouille, settled down at a good dis-

tance from both the farms. He had got a tract of land from Don Armado by swapping a place called Lombardy, from a long lane of poplar trees of that name. It appeared there had been some sort of an intermarriage between the families by which the place changed hands, however the Monsieur had owned it once before, and then got it back again. Indeed it was hard to tell which it belonged to. He called this place by the name of Bonyventura, or some such name, it might be spelt differently, but it went by this name in the neighborhood. This Bonyventura was always said to be very rich, not only in producing everything that grows out of the earth, but likewise in fevers, wild beasts, large snakes and alligators. For the rest it was so tangled up with swamp and forest, and so liable to overflow, that neither the Monsieur nor Don Armado had ever made it quit expenses, for every year the Don had to take the rent of another place to pay off the charges upon this.

Indeed it had been always said by the ten-

ants of Black and White Acre, that it had been originally bought to prevent their getting it, and that Don Armado only held it to keep them from encroaching upon his own quarters, of which he had several, as has been stated below that. To the White Acre people the acquisition of this estate of Bonyventura was very important, for it lay on both sides of the highway which the back settlements used for an outlet to market. For Don Armado had but a few years before, given them notice that no person should run his wagon along that highway, or unload their wagons upon his premises as they had been accustomed to do. It was said to have been his intention to put up a toll bar, at which, every one that passed must pay. This had created a great noise, and the tenantry of White Acre who used the way most, swore they would pull down the toll bar, and whip Don Armado out of his breeches. Indeed it got to such a pass that one Landslice, a very cunning fellow of White Acre, got together a parcel of loose fellows,

and started out, swearing they would have what they called "justice," but what the neighbors thought meant anything that they could get belonging to other people. The Black Acre people however arrested him, and transported him for life, so that he was never publicly heard of again in those parts. This gave the Monsieur such a scare, that he concluded to sell out and so prevent these lawless fellows from taking his land for nothing. Then lawyer Redbreeks who acted as agent and attorney at that time for both White and Black Acre, bought him out, stock and loop, as they say. There was some objection made to this, but the lawyer said he could take the responsibility though he had no special warrant of attorney to authorize it, because the estate of Bonyventura might pass into other hands, and stop the way of the White Acre people to market altogether, "when there would be the d——l to pay again." For it was lawyer Redbreeks who had just arrested and prosecuted this Landslice for trespass as before stated.

So the money was paid, and a warranty deed given by monsieur Grenouille, who left money it was said in the hands of the purchasers, to pay off some debts that he owed in the neighborhood, any way he went away and was not seen afterwards in that part of the country.

There was next some clash amongst the tenants about the division of this estate, which being an old survey was found to run much further than any of the settlers except Kit Ranter had any idea. It joined Mr. Bull on the north, and cornered on the sea near one Peter Zar, or some such name; on the south side it ran into Don Armado, but the line was not run on that side for many years, you may see it now marked with a red line on the maps. Any way it was "an everlasting big boundary," as Kit Ranter said. It was used for a cattle range and timber dependence for many years, both the Black and White Acre people having more land than they could tend, and being shortly afterwards occupied with their great appeal case—for, bless you, Mr. Bull, not

satisfied with the first trial, had gone into the courts again, and was flung in costs, in less than no time as one may say. But of that perhaps in its proper place.

But it so fell out, some years afterwards, that a young woman who had some means left her, took a lease upon a part of this Bonyventura tract. Her name was Miss Houri, which they say is the name of the angels to which a man is married after he dies, according to the creed of the Turkish nation—that is, if a man behaves himself here, and gets knocked in the head fighting the king's battles. That was the name of the young woman, and if she is neither married nor dead, she goes by that name to this day. So soon as she got a promise of this new lease, she, or some of her agents for her, put up a paper, forewarning all black people from roaming over her premises without their master was along with them. For she had been put to a good deal of trouble by such where she had come from, and concluded to put a stop to it,

as it was supposed she had a clear right to do.

It can't be told what a fuss this raised amongst the White Acre people, some said this was because they had expected to send off the black stragglers, that troubled them, to such a degree, indeed, that some years after all was quiet, in the matter of which we are now speaking, they warned the blacks off of several of their farms in exactly the same manner. But others who were more longheaded said that they wanted to keep all the black creatures upon the Black Acre estate, so as to compel the Black Acre people to drive them off somewheres, that they, the owners, might be no better off than themselves.

So the White Acre people began to swear that this young woman must surrender her lease if she expected to stop the range in that manner. That the property was in common, and every one, black, white or motley had a right to go where they pleased. Mistress Clam and other ladies with sharp faces and tongues

cried, "hoity toity! Marry come up!" "And so Miss ———," giving her name a pronunciation which, though a little similar in sound, was by no means proper to be bestowed upon a decent young woman, as she was according to all report,—"is too good to let any body that has'nt got their faces chalked up like her own, pass by her house? A good for nothing baggage, we would like to see her stop us. By and bye she will not allow her neighbors and kinfolks to pass. We will see to this." So they started out without waiting to tie their bonnet strings, to see every family and make the most unfair statements of what the young woman had said of this and that one. In this they imitated for all the world those little flies that buz around the legs of the horse, depositing their nits, which being taken into the insides of the animal become a dangerous grub, and finally take his life unless he have the good luck to die some easier death in the meantime; so it was with these mischief makers. But the effect of their slanders was im-

mediate and intense; the people of White Acre swore the lease should never stand, and that when Miss Houri should come into the meeting house or any other place of public assembly, she should not be allowed a seat unless she would promise not only to take down her notice but write upon the opposite side that no person holding a black creature in bondage should come upon the land that she had leased as long as she held it, or any one else from her, for it was a lease for ninety-nine years, renewable forever. And they swore that should be the law of the whole Grenouille purchase thereafter.

The Black Acre people were a good deal stirred up about this. They took sides with Miss Houri because she was an unprotected and respectable young woman, and because they foresaw that if one began to close up the country against the black creatures, another would do the same, and after a while they might wish to send them away or sell them as their White Acre cousins had done without

being able to do so. Besides they had already sent some of the black creatures which had now become very handy with the axe, to clear a first rate piece of tobacco land upon the farm and make a crop.

We cannot in this report of one case go in detail into the progress of another, however intimately connected with it. It is sufficient to say that this quarrel about Miss Houri came very near breaking up the harmony of the family. At last some more considerate than others persuaded the parties that neither could expect to have it their own way. And they agreed to compromise it in this manner: Miss Houri was to let the notice excluding black vagrants stand, but was to give them a permit to pass as long as they behaved themselves. Then a line was to be run across the Bony-ventura purchase, by which it was to be divided as nearly as possible between the White and Black Acre people, leaving to each of them the right to clear and cultivate, and turn their cattle upon either side. Such was the

intention, however, but when the deeds were drawn it turned out that the Black Acre people were bound to keep their own side of the line, and should in no event ever carry their black creatures upon the other side, whereas the White Acre people had an exclusive right to their own side, and the right to exclude the Black Acre people from the other. When this came to be understood, the Black Acre people were greatly enraged; they said the compromise was like the handle of a jug, "all on one side." So it was known as the jug handle compromise, but though they went on grumbling, yet after a few years it died out pretty much for a time. This dividing line commenced on the great Muddimore river, and ran back into the wilderness as far as the Indians and other wild varmints would let it. It was not necessary, however, to mark it with fore and aft and side lines, for it was to be run with a compass by so many degrees and minutes, and could in that way be ascertained at any time.

CHAPTER X.

It was after the usual course of delays attendant upon suits at law, that the great cause of White Acre against Black Acre was set for trial. The court house was crowded, the judge was upon the bench, the bar filled with lawyers, and the sheriffs, tipstaffs, and other officers were preserving order with incessant activity. The parties were before the court. Mistress Keziah Clam was dressed in a very elaborate manner, but everything she wore bore some enigmatic allusion to the sole subject of her cares. Her bonnet was modelled after the Helvœtsluys, the Dutch galliot which, it will be remembered, brought the ancestors of her clients to these shores. Her cape was

scollopped to resemble the outline of the coast of Africa from which they came. Her gown was figured with manacles in sprigs, a chain border in festoons, supported by handcuffs at intervals. Everything she wore was black to denote a spirit mourning for the wrongs of suffering humanity, and when she knelt to offer a silent invocation that the "jaw of the spoiler might be broken," a young man who stood near, declared that her handkerchief was marked with a vignette, representing a colored person flying from his tormenters, who pursued him as the Furies did Orestes in profane story.

When Mistress Clam arose from her orisons, she looked about her as sharply as if she had her eyes freshly sanded for that occasion. She took her seat near Counsellor Whale, and entered upon a confidential conference with him. She proved of great use when the jury came to be sworn, having taught school in almost every neighborhood, she knew every one who approached. She objected to one as of kin to the defendants, though so remote that the

parties had remembered nothing of it, until explained, when they gladly withdrew, having thereby escaped confinement upon a long and exciting trial. She objected to another as a creditor, because the Black Acre people bought goods of him. In fine, none passed without challenge for what the common law calls the "favor." The rest were assailed pretty much as Oliver Cromwell did Sir Harry Vane and others of the Rump Parliament, denouncing them according to their several peccadilloes as unworthy credence before that or any other tribunal. On the other side sat the old squire, dressed with great plainness, in the product of his own estate, his gray hair was combed back from his honest face, and he chewed his own tobacco with as much composure as if he were anything but the malefactor represented by the Clam-Thistle party. He had instructed his lawyers to tell the court that he wanted no advantage of law over the blacks. If they were not his property he did not want them, if they were his, he intended to hold them

against the world, cost what it would. Having rode to the court house, one of the blacks called "Little Cranky," from the fact that he had been crippled by a fall from a cherry tree, when very small, had accompanied him in the capacity of equerry. Cranky had been discharging his trust by playing at marbles with a small white boy, whom, upon suspicion of unfair dealing, he had whipped, and then taken refuge in the court house, under his master's chair, where being clad in white summer apparel, and being about the size of a lump of coal, he presented somewhat the appearance of a small fugitive demon in disguise. After a time, under the somnolent influences of entire security and warm weather, Cranky yielded to a sound sleep, and his marbles rolled out of his pockets on the floor.

The Clam-Thistle party had retained counsellors Whale and Screwhard, with many other attorneys all interested in some manner in the result. They had also the testimony of many witnesses, some of whom had been em-

ployed upon the Black Acre estate as carpenters, masons, or had carried there some venture, or notion or other. A very few were now tenants of Black Acre, of whose motives in testifying against their neighbors and the truth, we shall say nothing lest we expose ourselves to a vexatious suit for defamation, some of them being still alive.

The old squire's main family counsellor was an old gentleman of great honesty, he was accounted the nicest pleader at the bar, but sometimes his points were so fine they could not be seen until long after the trial. This was owing it was said to his having a keener sight of his clients rights than ordinary. He was not considered so good before a jury as others. At the time of the trial however, he was ill with a breast complaint, of which indeed, he soon after died. He was, however, very useful as an adviser, having had great experience, and having the squire's welfare very much at heart. There was another advocate who had even greater reputation than the last.

They had practised together for a lifetime, and had been of late years almost always on opposite sides of every cause. Having great eloquence, and a sincere love of peace, he had adjusted some of the most serious difficulties that had ever arisen amongst the people. He was not like other lawyers, so intent upon his fee, that in clearing off one lawsuit, he contrived to trample in the seed of a number of others, but he would give up his fees any time, as likewise the chance of professional renown, for the sake of peace. We have diverged so far from this suit, as to state one case in which he had gained great renown by a settlement. Though it is our duty to say as impartial chroniclers, we applaud his motive, we deplore the act, as it has proved the painful cause of a lawsuit going on in our day tenfold more formidable than that compared upon the occasion referred to. The case was as we have stated in the last chapter, when the peace of the family had been so nearly broken up by Miss Houri. It was in that

suit that this eminent advocate came forward as counsel for the Black Acre people, and persuaded them to divide out the common purchase with a line blazed out by the compass. North of this line the Black Acre people were never to send their stock, and south of it they were at liberty to send them—if the White Acre people had no objection. Some of the old planters of Black Acre swore it was like the old story of the Indian and white man who had hunted together and caught a turkey and a crow. The white man offered to the Indian either to give him the crow and take to himself the turkey, or to keep the turkey and give the Indian the crow; upon which the Indian is said to have remarked this peculiarity in the division, that the white man had never once "said turkey" to him, whence indeed there came a proverb. But the lawsuit was thus composed and the advocate who adjusted it was called from that day Counsellor Compromise. He would not take any fee on either

side, in the suit now on trial, being very old and feeble, but exerted himself with great zeal and ability to compose it, but without success. Indeed his exposures and exertions were the cause of a debility and defluxion upon the lungs that a short time afterwards carried him off, to the great lamentation of all who knew him.

We will only remark that amongst many other able counsellors who took more or less part in the matter, were counsellors Broadview and Bullion. But the suit was chiefly argued for the Black Acre people by counsellors Southside, Standfast and Flash, the last named did much of the talking and would have done his part of the fighting also, if it had been necessary.

They all helped the old squire, because, though he might not have the cash on hand, yet he always paid what he promised, and these last said "d——n it we will stand by the old fellow, for they are trying to rob him, and we will not touch a penny for our services."

But we cannot proceed with the trial without making the same—or even a longer digression about counsellor Broadview, which has been made in regard to counsellor Compromise. Those that do not wish to read however, can skip. It is not material to the narrative, but only just to the character of one of the ablest and most patriotic men that has ever lived in this country.

Counsellor Broadview was a relation of the White Acre people. He had been a poor boy, the son of a poor father, but God had done so much for him that he could dispense with the aid of a fortune. He had long been the advocate of his kindred both in advancing their interests and defending their rights. It was allowed by all that he understood the understanding between the White Acre and Black Acre people better than any one else living. Up to this time he had been the most popular counsellor known, and the White Acre people had considered him as good as employed in the suit, for he had always been left to put his

own price on his own services, and they had been paid him without a word. But when the White Acre people came to him upon this occasion, to put a brief into his hands, he declined to receive it, and spoke to them as follows:

"I regret," said he, "that I can neither accept your fee nor undertake your cause. I am under many obligations to you and your fathers before you, but the advice I shall give you will, if taken, be worth more to you, than any reward which you have given, or could give me. I have looked at this suit in which you are now about to embark, for a long time, and with much anxiety. It is a subject which complicates itself with your interests, and indeed with your titles, in a manner that many of you do not comprehend. It is my advice that you dismiss this suit without making any question of cost. Make friends with your cousins of Black Acre, 'for blood is thicker than water,' and there are many worse enemies

to you both, than you are to each other, looking on, who delight more in your quarrel, than you could do in a conquest. Go on buying and selling with your neighbors of Black Acre, as you have always done. If you disapprove of their practices, avoid doing the same things. Many of you will have nothing to do with them because they still hold bondslaves, I think myself that is wrong. But if others think differently, it is upon their own responsibility, not mine. I have no right to interfere with their rights, nor they with mine. They may go to hell their own way, if they go there. Their salvation or damnation is in hands higher than yours or mine. I observe frequently that you buy and sell with the Hebrews, nay, that you serve with them upon juries, enlist with them in the ranks, and choose them to represent your interests in town councils and elsewhere. Now the Hebrew believes that your prayer for salvation is blasphemy. He defends and justifies the ig-

nominious execution of your divinity as a malefactor. Is this a worse error of opinion than that one man may lawfully hold title to the labor of another? I will not insult your religion and my own by the comparison, yet the Hebrew has a right to think as he believes, you have the same. It is an awful question between you. If you are right, he has crucified a God; if he is right, you have not only worshipped an impostor, but murdered thousands who denied his divinity. Yet you compromise this question upon an agreement to remit it to him who alone can judge the intent and the integrity of the human heart. Can you not then agree to a similar reference of this comparatively immaterial question of property, and if you will, abide by the same eternal arbitrament? 'Agree'—not 'with thine adversary,'—but with thy friend and kinsman, 'whilst thou art in the way together.' In this way you will be stronger and happier than any family in the whole world, and if there be those among you, whose

object in this suit is gain, you will make more profit out of this one compromise, than you could out of a thousand lawsuits. This is my opinion."

You may well believe that those who came to him opened their eyes at this disclosure. They turned all manner of colors, and gazed at each other in mute consternation. At last their chief spokesman expressed his surprise and concern at what they had heard, and hoped that the counsellor would not take a fee against them.

The blood came for a moment into the dark cheek of the old man but it soon passed away.

"By no means," replied he. "I am with you in blood, interest and destiny. If gain were my object, I might perhaps extort from you any compensation by threatening to oppose your interests. For I well know the unreasonable value you have put upon my services. Nay, I might even make a specious

argument against my own convictions, for it is the trade of a lawyer to put the best face upon his own case and the worst upon that of his antagonist. But I shall not advocate your cause because I have your interest too deeply at heart to do so. For this I know I shall be traduced. I shall be accused of having received large sums of money for neutrality, or of a wish to ingratiate myself with your relations as the better patrons. To this I shall make no reply. Perhaps the end may show that I am actuated by higher motives. If not I must bear with the injustice. I am now old. I have attained as much renown in my profession as I could ask. I am content to do this great act of self denial—to incur, it may be, this great weight of obloquy for the good of my kindred. If I am maligned in this generation, I shall be acquitted by the next. My character will have been vindicated by substantial services and guaranteed by the acknowledgements of those who now differ, but must ultimately agree.

"I shall go upon the bench with the judge, and reserve my counsels and services for the adjustment of this unhappy suit from which I apprehend such mischief.

"I regret to incur your displeasure, and perhaps labor without your patronage the short remnant of my life. But I shall be vindicated, and my children will reap the true honor of being descended from one who had the courage to advise his friends against doing wrong, and the wisdom to foresee the path of their advantage."

The deputation did not understand this. Some thought it unnecessary to fee a lawyer so clearly deranged as to decline receiving it. Some less charitable whispered "bought by G—d!" but all took their leave with profound obeisances. No sooner, however, was it night, but some who were the true friends of the counsellor came to see him privily. They informed him of all that was said, and perhaps more, in order to prevail upon him to reconsi-

der his position. This he alleged to be impossible. They argued the injury to his practice, and described the indignation of his neighbors. He was inflexible. But he did not, for all that, advocate the cause of the Black Acre people. He condemned the demands of some of them as unreasonable. And when some one in his presence said that the Black Acre people considered themselves very unlucky in the illness of Counsellor Cobweb, he observed "that an advocate might demand too much in his declaration, as well as too little." Which was all he said on that occasion. But whilst he was hearing the speech of counsellor Whale, he began to walk up and down on the bench as he had been used to do at the bar.

But it is now time to go back to the trial.

The suit, to set aside the title of the holders of Black Acre to the black creatures which had been bought from Mr. Bull and the White Acre family, was set down as we have said under the title of "Sneakright, who sues as the

guardian and next friend of Mandingo and others against Careless and others." Those who were most desirous to break the title did not wish to use their own names because they could not have had the benefit of their own testimony, and might have been held responsible for costs. They therefore used the name of Sneakright, who did not care a sixpence, well knowing that if cast in any damages, he had nothing in the world whereby he might be attached. But as the black creatures sued in *forma pauperis*, there was no manner of danger for any cost. So Sneakright figured as their disinterested patron, and made in the declaration a very grievous account of the wrongs that had been done them, insomuch that he, as a christian man, could not stand by and see them maltreated, but quit his business and spent his own money to see them righted. This would have been a very humane thing indeed if it had been as he stated.

The court room was as we have said, quite

orderly. The sheriff demeaned himself in the presence of the judges as though his whole life, in season and out of season was devoted to the maintenance of the law, and the preservation of decorum. He repeated the command "silence behind the bar," as an ambitious young gentleman of some twelve years, upon the false information that "little Cranky" was being tried for his life, had climbed to a high point on the outside of the stairway for the purpose of seeing that malefactor, was precipitated by the breaking of the bit of moulding to which he clung, upon the head of the compressed yeomanry. "Gentlemen! you must not press upon the jury," cried the sheriff, and rushed upon the unoffending crowd, who bore back with affrighted countenances as if the next step might be confinement to prison for life, or transportation to some unknown country. So there was profound order in the hall.

Then the jury was to be sworn. This took a long time. One juryman had left a set of coffin boards just cut out, for which a custo-

mer was waiting. "Then," said the judge, "let him wait."

At this judicial *jeu d'esprit*, the people laughed, because they wished to put the judge in good humour with them so that he might let them stay to the trial. But the judge directed the sheriff to keep silence, for he was not to be mollified out of his duty, not he. Then the sheriff cried out 'silence,' with a loud voice and an indignant look, as if he would just like to see the man who would open his mouth after that. So the crowd changed the laugh which it had laughed at the wit of the judge, to a grave and subdued demeanor, fit for a court of justice; which mixed and uncertain expression of face gave them a curious aspect. Then another juryman who was deaf was asked "what he did there if he could not hear?" at which he tilted his trumpet at the judge and asked him "what he said?" in a tone as if he was hailing the maintop. The judge hastily directed the sheriff to set him aside. Another declared his infirmities did not

allow him to "sit so long upon business." Another had made up and expressed the opinion that "the niggers belonged to the Black Acre people;" and one was detected in the very act of qualifying, who upon enquiry of counsel, prompted thereto by Mistress Clam, appeared not only to have bought some produce of the Black Acre people, but had actually to have had in some remote generations, kinship with them over in the old countries, all of which Mistress Keziah knew, though the judge was ignorant of the kinship until it had been explained to him.

But twelve forlorn individuals whose business and opinions were of so little importance that they could be taken as impartial umpires of the business of others, were at last duly impanelled. They sent their last requests to their families, for as one of them pathetically observed he knew he should be 'hung,' which did not imply any personal apprehension of that indignity, but meant that the jury would not agree, but be kept together and even car-

ried around the country along with the judges in a cart, as was said to have been often done in the old countries. This message, however, having been inadvertently and without explanation delivered to the wife of the juror, she went incontinently into hysterics, declaring that she knew her husband had been doing "something dreadful," and it required the strongest assurances from the pastor of her church, to convince her that there was no danger of his life.

But at last it was all settled, and his honor, counsellor Whale, rose to state the case. The counsellor was a stout, red faced gentleman, who spoke with much animation. Indeed, it sometimes seemed that he would assault with his fists, the opposite party, and nothing but the handrail kept him off the jury and the judge. He had especial renown in that department of his profession, which consisted in ferreting out defects in the title of honest men, who had, either from lapse of time or carelessness of nature, lost the evidence by which they

held their property. He stated the case for the plaintiffs thus:

"May it please the court and you gentlemen of the jury,

"The case at bar is one of the most extraordinary in the annals of jurisprudence. It will appear in evidence, that at a very early period, to wit: in the year of grace, 1620, the ancestors of the plaintiffs being bad sailors, and in great stress of weather, put into a certain port within his majesty's colonial dominions, asking help and subsistence; nothing more. In this helpless situation, they were seized on by the defendant, or perhaps by his ancestors, and reduced to bondage. From this condition they have long striven to escape without success. The proceeds of their labor has been taken to the use of the defendants, their persons held in chains and durance, and but for the philanthropic intervention of a friend of humanity, who goes about doing angelic deeds in a brown coat, tie wig and spatter-dashes, the plaintiffs

might have labored without reward or relief 'until Shiloh comes.' It will be in our power to prove, in the course of this trial, the illegality of the original subjection, as well as the valuable services of the plaintiffs rendered the defendant. We shall then expect, not only an unconditional decree of emancipation, but a verdict from you, gentlemen, for a sum equal to the value of our services and that of our several ancestors, of whom we legally and lineally inherit from the earliest day of their bondage until the present."

A young attorney made a modest counter-statement on behalf of the defendants, which exonerated them from any blame in the premises, and made out a fair title to the plaintiffs derived from Mr. Bull, witnessed and confirmed by the acts of those who now affected to be their friends.

It is impossible for us to give, consistently with the scope of this narrative, the whole testimony taken on both sides of this important controversy. We shall therefore content

ourselves with reporting a summary of the principal speeches, as being the most impartial method of bringing the subject before the public.

After the close of the testimony, counsellor Whale rose and addressed the court and jury as follows:

"May it please the court and you gentlemen of the jury,

"I have learned by an anonymous communication that certain adherents of the defendants are in attendance upon this cause, heavily armed, and breathing threats against the plaintiffs and their friends. They design no doubt to overawe this learned and upright court. Perhaps they propose to deter me from the performance of my duty; but let me warn the defendants and their emissaries, that a court of justice is not only the impersonation of purity but of power also. That the ermine is maintained immaculate by the sword, and that if any violation of the peace be perpetrated here,

this array of special constables which we see present, will quickly lay the offenders by the heels, and make them repent their lawless counsels."

When uttering these last words, he looked viciously at the old squire, who sat there with his honest and open countenance, his plain dress, his collar without any cravat, his home-made shoes with a single old-fashioned spur. He had nothing in his pockets except a silk purse knit by his little granddaughter, to hold his gold and silver, and a few keys. He did not therefore take to himself the minatory manner of counsellor Whale, but supposed it was a part of the formal proceedings in the suit, just as, when a justice of the peace, he had frequently heard the crown attorney allege, that a single clout on the head with a stick, had been inflicted with guns, pistols, knives, sticks, stones and bludgeons. Indeed taking into account, with the harmless inventory which we have given, the sight of little Cranky coiled

up asleep under his chair, he looked as little like a desperado as possible.

Counsellor Whale looking around to see the effect to be produced by his last words, went on thus:

"But may it please the court, that I may argue this cause systematically, I shall lay down and prove the following propositions:

1. That the plaintiffs in this suit are men.
2. That all men are born free and equal.
3. That one man cannot be the superior of his equal.
4. Therefore, the plaintiffs being under no inequality, or compact of voluntary subordination, are free.

"The term 'man' means, in its enlarged sense, the human species, for though the theories of Buffon or Monboddo may have their followers, yet in the vocabulary of nature thus employed it is limited by no shade of color or distinction of form. We may refine about the

imaginary distinctions of the Caucasian, the Copt, or the Caffre; we may ransack the catacombs of Memphis, or of Cuzco; we may depict abnormal varieties under that compulsory degradation to which the stupid slave or the simple cockney may have been reduced, but the simple definition which I have employed, covers every variety, and in its sympathy for human weakness, embraces even every extreme of human infirmity.

"If then there be this variety of attributes amongst the members of this great family, why should it work a greater social disqualification to be born black than to have been born blind? Why should one man, endued with a full compliment of senses, be the born servant of another who has no sense at all? And above all, if nature make no distinction amongst her children, but takes them all to her maternal breast at last, why should one man claim to be the natural superior of another? No; the converse of the proposition is too absurd. All men have an equal interest in the great inherit-

ance of human happiness, and the plaintiffs in this cause, though colored black by the hand of God, are like yourselves, men.

"Upon this proposition thus demonstrated, I might rest this cause for trial. By the canons of natural law, my clients are the equals of him who with calm effrontery confronts the court, and chews with unconscionable jaws the products of their labor.

"But Sir, descending from the broad principle I have announced, I shall present the evidence that the defendants themselves have admitted its application to the plaintiffs. For who can have forgotten the efforts of our haughty landlord to impose his unjust exactions upon the free tenantry which surround me? Who is ignorant of the pledge given by that tenantry to stand by each other in the defence of their common rights? Is it not known that the oppressor contended that *we* were born serfs, and as such bound to obey his commands? Is it not known throughout the world that the tenantry both of White Acre and

Black Acre, declared that they were the slaves of no man, and in the course of that declaration, they affirmed the immortal principle upon which I rely, in the following language:

"'We hold these truths to be self-evident: That all men are created equal.'

"Now sir, will it be believed by the court?—Can it be credited by the intelligent auditory that surrounds me? Will it be denied by the defence—howsoever the better impulses of an honest shame may have been long since covered with the varnish of professional hardihood—that the name; aye, Sir, the name! of the defendant who sits there with the composure of a statue, clad in the product of our honest labor, is signed—to—that—very declaration? (Great sensation.) Is it denied? Am I challenged to produce the proof? Lest it be said that I have omitted anything howsoever notorious in the formal execution of my duty, which may, by an astute opponent, be wrested to the disadvantage of my client, I will produce the document."

Here the orator drew out of his green bag a yellow parchment roll, written in very glossy ink, with patches of German Text, all about in different parts, as if it had been worn out in places, and darned with German Text.

"Well may the parties—the guilty parties—I mean the epithet in a metaphorical sense, and with no professional disrespect—cower beneath the glance of popular indignation which pervades this assemblage. Well may they express their astonishment at the unexpected production of a document procured at great cost, and under all the solemnities of the greater seal, brought across the sea by a special messenger, and produced at this critical moment to convict the defendants of one of the most stupendous attempts at fraud that it has ever been my lot to encounter or to expose." Here the crowd leaning forward with much curiosity to inspect this curious and costly document, broke one of the rails, and threw one or two sprawling into the area of the bar. "Silence in the court,"

exclaimed the sheriff. "Yes, gentlemen," continued the counsel, "well may you manifest your astonishment and incredulity to see a man from whom you might have expected better things, thus deliberately violate his own solemn declaration, and introducing a plea to save his own life and labor, the benefit of which he denies under similar circumstances to others.

"Gentlemen, I know you will do justice. I know this court will hold the balance of justice with such steadiness that no man may see it tremble from its true equipoise, with the least dust of venality. I see the learned counsel taking notes. I see the hardened defendant surprised at the manifestation around him. But gentlemen, it—will—not—do. I hold in my hand the deed. I offer it as evidence upon the trial of this cause. I am prepared with witnesses to substantiate it."

Counsellor Whale here took a triumphant

survey of the audience, and sat down to confer with Mrs. Clam and the Rev. Thistle, each of whom filled one of his ears with a stream of excited congratulations and suggestions.

The opposite counsel replied:

"We will not trouble you to prove the signatures to the deed; we acknowledge them. It is the deed and signatures of our ancestor, not of one of the parties to the present suit."

"Ah, gentlemen," resumed counsellor Whale, "you fear the exposure. You would obviate the effect of this dreadful demonstration; you would evade a point fatal to your unjust pretensions.

"But gentlemen of the jury, allow me to examine this fact, so notorious that you could yourselves have proven it. The gentlemen have admitted—inadvertently, no doubt—that they hold the unhappy beings, whose claim to freedom is now in controversy, and that they or their ancestor did make the deed containing

the declaration charged. Then I aver that at the instant the deed was executed, it was conclusive of the freedom of the plaintiffs, and the cruel shackles fell from the limbs of the enfranchised slave, as the broken hemp fell from the limbs of the supernatural Hebrew. For if 'all man are born equal,' wherein consisted the superiority of the ancestor of these defendants over the unhappy victims of his barbarity? In what consists the right of the claimant who this day sits in proud and contumacious disdain of you and of your authority? Upon this demonstration alone, I contend that the propositions examined by me have been established. I shall therefore expect a verdict at your hands, not only for the freedom of the plaintiffs, but also for the value of all the services that they or their ancestors may have rendered, from the date of their incarceration, through all the dark period of their bondage, until the glorious day which shall manumit and emancipate them forever.

"For, gentlemen, if it had been proven that

these unhappy creatures had never held a valid title to themselves, their situation is so deplorable that every consideration of Christianity and humanity would impel you to set them free. They have been nurtured in cruelty. Stripes and starvation have been their only portion. Daily and endless labor their only lot.

"Gentlemen, I have discharged my duty. Do you discharge yours. I have been called on to assume a heavy, a dangerous responsibility. With you will rest the right to determine whether I have been inspired by virtuous, or instigated by unworthy motives. I repeat that threats of personal violence have been uttered."

"For myself, I can have no fears when in the discharge of my lawful duties. My services are freely, as they have been in a certain sense, gratuitously given. For God forbid! that the little which I may bequeath to my children may be polluted by admixture with the fruits of blood and sweat extorted from

these poor wretches. And so may Heaven deal with me, as I discharge my whole duty to them without fear and without fee."

At the close of this lofty declaration of motive, the counsellor brought down his hands with great force upon the rail of the bar, causing thereby, the half-pence, which some of the black creatures had saved, from the sale of their yams and eggs, for what were called "inevitable expenses," to jingle in his pockets.

This speech was followed by deep groans from Rev. Thistle. Mrs. Clam applied her handkerchief to her eyes as if to keep all the water from running out of them at once, but in reality to conceal their extraordinary aridity.

Notwithstanding it was expected, and had indeed been intended that some of the Black Acre lawyers should reply to this speech, yet was the court surprised at seeing counsellor

Broadview deliberately quit the bench, descend into the bar, and without a note, brief, or authority prepare to reply. The indignation of his kindred and clients, was indescribable on paper. It would require the combined powers of the tragedian Garrick, and the mountebank Rich, to present an adequate representation, and it would have carried consternation to a less resolute heart, to have heard the clamor raised by the Clam-Thistle party. Mistress Keziah audibly implored the Almighty for an immediate manifestation of divine displeasure for such a heinous treachery, in the shape of fire, serpents, leprosy, either variety of the seven plagues, or indeed anything destructive, which might be conveniently visited upon the eminent offender, without personal detriment to the virtuous persons who stood around him. The Rev. Thistle left the court, collected the surplus crowd in the street, and took up his testimony against this "carnal defection and backsliding" in full hearing of the court and jury. In this

discourse, he likened counsellor Broadview to several Hebrew traitors; denounced him as a wicked, abominable and mercenary betrayer of the interests and usages of his people; charged him with the worship of false idols, and wound up by affirming that he was a very weak and ignorant lawyer, not worthy to be entrusted with a cause of any importance, and that as they had failed to employ him, he was now attempting to do them all the injury possible.

But nothing of this sort was heard or heeded by the honest old counsellor, whose speech was as nearly as can be remembered as follows:

COUNSELLOR BROADVIEW'S SPEECH.

"May it please the court," said he, "and you gentlemen of the jury, I am a volunteer in this cause, unexpected to the one side, and undesired it may be to the other. It is unusual for men of my profession to make them-

selves parties to a litigation, except from the expectation of reward, or the desire of renown. I may safely say, that I have been actuated by neither motive. But I have seen too much of the whirlpool of the law, not to know that it will draw within it, and swallow up not only the fortunes, but the affections and character of whole families; and I have, therefore, come forward almost as much an arbiter as an advocate, to aid in the examination of this question, and to adjust it if possible, upon terms honorable and advantageous to both parties.

"I shall not controvert the abstract proposition which my brother Whale has laid down. It is indisputably true. But when we speak of human equality, it is in a sense as general as when we speak of the race of man, which includes also the females. For when the Almighty says, 'My spirit shall not always strive with *man*,' He surely intended to extend the solemn admonition to woman also. For if my brother contend that the word

'equal' shall be taken in its literal sense, we shall soon see that great injustice has been done to many, not only by the apportionment of this world's goods, but by the very assignment of God's best gifts, the right to which have been inherited very unequally by us all. It may be considered unfair to reason that a thing was not intended, because it is inconvenient or impossible, but we have no other means of testing the rights of the plaintiffs in this cause, unless by enquiring whether the term under which it is contended that they take their freedom, is susceptible of the meaning claimed for it. Let us then enquire for greater certainty, what is the meaning of the term 'equal' in the sense in which it was employed in the deed referred to.

"A mathematician would define 'equal quantities' to be those which correspond exactly with each other in all their attributes. But although this term may well apply to weights, numbers, lineal measures, or duration of time, it cannot be well predicated of any object

which presents several physical attributes; for then the permutations under which these qualities may be combined, are so numerous, and often so minute that no human capacity could register their variations, or affirm that they were exactly similar in their atomic structure, and in the different qualities which entered into their physical organization. If it may be safely said then that no two physical objects are in every respect similar. If the microscope will shew the sand grain of the sea shore unlike its fellow; if even 'one star differeth from another,' and the very angels that wait around the throne of God acknowledge the law of gradation, why should it be said that one man is in every respect the equal of another? For what is man? not a stock that he should be hewn into shape, nor a stone that he should be weighed. He has, 1. a moral, 2. a mental, 3. a spiritual, 4. a physical nature. His moral attributes are: His virtues and vices. His mental nature is his reason. His memory, his reflection. His spiritual nature involves his

eternal welfare, and the obligations of his conscience. Wherein then can it be affirmed that any two men were ever exactly equal in the virtues or the frailties of their nature? Is not the good and evil of our nature so intermingled that we find in others—and alas, gentlemen, we feel in ourselves—the little of excellence which we possess debased by the alloy of a carnal and evil nature? Who has not seen the man capable at times of the most exalted sacrifice, tempted by opportunity, or impelled by need to do some act that makes sympathy shudder and humanity weep for his weakness? And who amongst you has not seen some young and lovely woman, nurtured in the influence of good example and pious admonition, forget every stay and obligation of virtue and come to want, infamy and shame? Shall any one then say that all men are equal in the strength and texture of their moral attributes? Still less are men equal in the qualities of mind, or in the qualities of their intellect. For no two men have an equal strength of reason

or memory, of imagination, of logic, of wit or of eloquence. But it is when we come to compare the physical inequalities of our species, that we feel the fallacy of the postulate demanded by my brother Whale most sensibly. Suppose we take the stature of man. 'There were,' say the Scriptures, 'giants in those days,' Sons of Anak. There are dwarfs in our days. How rarely can you find two men whose stature is precisely the same. There have been men whose weight was like that of oxen, and others like the lean kine of the Egyptian vision. There are men whose complexion partakes of every shade, from the ebony visage of the African to the purest rose stain upon the alabaster cheek of the Saxon maiden. Can you then find those phenomena: two human beings who are equal even in the attributes which I have enumerated. Are they equal in strength and culture of mind? Does one know exactly as much as the other. Has he remembered nothing that his twin has forgotten, or forgotten nothing that his twin has pre-

served? Are their loves and hatred equal and the same. Are they equal in the length of their days, in their health, strength, wealth and welfare? You can find no two men who are equal in any one of the enumerated attributes. Still less, that phenomenon, two men who resemble each other exactly, in all. That phenomenon never did exist. It never will exist, and though all things are possible to God, yet in his wisdom and providence, I say that such a phenomenon never can exist.

"And if the term 'equal' apply according to the argument of my brother to every condition of humanity, to both sexes, to every condition of age and infirmity, why is woman weaker than man in physical strength, yet more potent than armies in the influence of her good or evil counsel? Why does the child hang upon the bosom of the parent in unconscious impotence, and why does it at a later period repay that protection by upholding with manly arm the steps which totter down the grave way? And if all these are equal:

the strong and the weak, the monarch and the mendicant, the wise and the simple, why does society, under its most perfect forms of political equality, disturb this natural harmony by making the husband govern the wife, and the parent the child, the employer the operative? Why are members chosen to Parliament, and judges sworn upon the Bench, and soldiers armed for the Combat, and seamen afloat upon the deep under authority of laws which make no provision for the discharge of these duties by minors or women? Mankind may have been commanded by a Sesostris, or judged by a Deborah. But modern governors have wisely relieved the softer and the better sex from these toilsome and responsible duties, because they are worthy of more refined avocations and of a happier destiny. [Here Mistress Clam manifested much impatience and was with difficulty held in her seat by the plaits of her gown. She swallowed her indignation, and digested it into very copious notes which she made upon the counsellor's argument.]

"Here then," continued he, "is inequality written as broadly and boldly upon everything human, as our mortality. I now ask you, gentlemen, if you ever saw any two men who were equal? Did you ever see two women who were equal? in beauty, in discretion, in industry, in virtue and excellence. Even, gentlemen, in the length of the tongue, and the acridity of the temper, there is a difference. Who shall then say that this dogma has any proper application in the sense in which it has been affirmed by the counsel for the plaintiffs? Gentlemen, I deliberately say, with the reasoning which has been adduced to bear me out, that so far from all men being equal, no two men *are* equal.

"But I will tell you the sense in which this general axiom is correct. It is, that all those men who enter into the formation of a political government, are equal political integers, and their authority in regard to all matters which pertain to their compact shall be the same. All men who have agreed to unite in

the establishment of a social copartnery of government, have agreed that their voices and votes, their dividend and contribution shall be equal. They shall have an equal right of representation, an equal right of property and protection. They shall be equal in the burdens and the blessings of their common organization. But does this, gentlemen, admit others who were not partners in the contributions to this organization, to an equal participation in its administration, because, forsooth, they were born equal? Then the Mussulman, or the Hottentot, or the Hindoo may intervene, and upon the exhibition of the certificate of birth, which existence bestows upon all, may claim an equal voice in any form of human association. Nay, gentlemen, this native and innate quality comes from a higher authority than the deed of my excellent friends of Black Acre. It is to be found in the very patent of creation. We are all the sons of Adam, our common father. We all inherit the earth through the beneficent ordi-

nance of our Almighty, and our common father. Why then may not one of you claim a share in the estate of White Acre? My brother Whale has established or rather admitted your title, all men are equal. Then can any man have a property, which you, as his equal, are not entitled to share?

"The case as I state it is this. Certain farmers have leased the estate of Black Acre, as coparceners or tenants in common. They are equal in 'in put,' in expenses, in the division of profits, in loss. They have chosen to claim title to the labor of certain colored creatures, who were in part reduced into bondage by the original holder of their lands, and by the ancestor of the plaintiffs' next friends. I may remark in passing, that if the defendants here could be evicted, they would clearly have a remedy over against the heirs and assignees of those from under whom they claim title, and for which they have paid valuable consideration. But that, gentlemen, is not the point now in issue. Neither the plaintiffs nor their

friends can recover here by the weakness of the defendant's title, but by the strength of their own. They must make out the title of the black creatures to their own services. They were the subjects of a despotic monarch, who tortured, enslaved, and slew thousands of them in his bloody and barbarous rites. They were the objects of his wrath, of his lusts, of his avarice. They were the currency of his kingdom, and were bought and sold without their assent or volition. Bondage was their *status* or condition from the earliest record of human history until the present. They can set up and make out no title to their own labor, except such as may be conceded by those who have advanced a value for it. If they, gentlemen, cannot make a title, with what face can their next friends assert it for them? Why, gentlemen, these very persons, these Whales and Clams—I speak it with reverence for the sea, and with respect for the profession—are the very people who originally subjected the race to its present condition of

servitude. If the defendants should be dispossessed of their property in the labor of these creatures, it could not enure to the benefit of the actual plaintiffs here, for they would become immediately responsible, as the heirs and assignees of the original vendors. Do you not perceive this? So that no sooner should it be determined by your verdict that the black creatures were the property of any one else than those who now hold them, than the eminent counsel must surrender his fees, the exemplary and philanthropic lady, who has been pleased to regard me with such an indignant aspect, and who has deemed my poor remarks worthy of such minute notation, must give up the proceeds of many a lucrative voyage made by her enterprising husband. I, gentlemen, will pay my share, you will pay yours, and all will contribute, all will refund, and well can we do so, for we have profited not only by employing the price for which our ancestors sold this property, but we have been profiting by their labor ever since. Ma-

ny a time have I rendered professional services and received my fee from the products of their labor. Many a clock has the principal plaintiff exchanged for the same medium, and the venerable and exemplary lady, who watches the progress of this trial with such interest, and is now honoring me with a stare of such extraordinary intensity, has imparted the most invaluable instruction to the master, which has been repaid by the labor of the slave. Yes, sir, we should all refund—some cheerfully, others reluctantly, but justice would require it at the hands of all. But, sir, it will not be necessary, for 'he that is guilty of a part is guilty of the whole.' But as no one here has any right to recover the sums of the bondsman, the tenure of title to his labor will not be disturbed. If, and I by no means intimate that such is the character of the tenure by which my relations of Black Acre hold their title—If I find A in possession of a stolen horse, his felony gives me no title. And though no owner appear, yet is the title inca-

pable of destruction, it vests in the body politic, by escheat. There is no such thing as one man's taking title by the mere want of title in another. So if the labor of the black creatures does not belong to our relations of Black Acre, it will escheat to the community to which we all belong, and so become in part our own wrong if it be wrong.

"But, gentlemen, though I have argued to shew you the position of the actual title in this case, you need not, therefore, set me down as the advocate of bondage. For myself, I disapprove of it. I consider it wrong. I deem it injurious to both the owner and the bondsman. I never wish to see it spread an inch beyond its present location—nor could the owners of Black Acre carry their obligations of title beyond the limits of their own farm—*without the assent of those upon whose lands they might go.* I, for one, should deprecate and resist such an invasion. But within their own boundaries their rights are sacred. However much I may disapprove of their policy;

howsoever much I may differ with them upon a question of humanity, I will defend their rights. If they be wrong, it does not lie in the right of me or mine to cast the first stone.

"I, gentlemen, am an unworthy believer in the creed of Luther, and of Zuinglius, and of Huss. There are those upon that jury who differ with me radically. Yet we have covenanted one with another that each shall enjoy his own belief. Gentlemen, the dignitaries of your church have denounced the doctrines which I maintain, as damnable. The doctors of my church have retorted that your own doctrines are impious. Now these differences are of eternal import. They involve the salvation of millions of human souls, an eternity of future torment, or the bliss of endless ages. The question at bar is one of opinion as to whether one man can buy the labor of another from the laborer himself, by the day or month or year, or whether he may take title to the laborer himself in fee simple. Now I agree with those who differ with me upon these

questions of such eternal import, and they harmonize with and tolerate my opinions, and all because we have covenanted to do so. Can we not exercise equal forbearance with those of the same blood, faith and lineage—with whom we have also made a covenant?

"Gentlemen, we have no right to interfere with these people or their property, and I shall propose to this worshipful court that it go beyond this matter in controversy, and I shall appeal to both parties that they authorise a decree by consent which will settle all matters between the litigants. Let this suit be dismissed at the cost of both parties and let them both pledge themselves to be friendly. The people of White Acre have, it is well known, taken to themselves all the lands which were recovered from the heirs of Don Armado. With that they should be satisfied. This, in addition to those lands formerly given up to them by the people of Black Acre, have established for them extensive possessions. Now let us agree that any lands which may in future be

acquired by us jointly shall be equally open to settlement by either, and let us engage even further as we have indeed heretofore covenanted, that if the black creatures escape amongst us, those who claim them shall be entitled to pursue and recapture them.

"This is the plan of settlement which I propose and I hope that my influence, or more truly the influence of justice, of reason, of fraternity, of interest will prevail, and that peace will once more be restored amongst friends and brethren."

CHAPTER XI.

But as the court was engaged in this trial for several days, and of course, adjourned every night, it will be no anachronism to introduce some things which were passing at a different time, but which are necessary to be known for their bearing upon the trial. The reader can therefore consider this chapter as conveying what the lawyers call information derived *aliunde.*

It had been now some years since Henry had been enjoying the privilege of freedom in the neighborhood around White Acre. For some time his narrative, his banjo, and above all, his disposition and ability to work for any one that asked him, and take his pay in praise,

cold vittles or old clothes, made him everywhere welcome. The profits of the joint stock association had ceased. For the countrymen of Sneakright seeing that it paid very well, began to pass off other black creatures, as enfranchised fugitives, and had even blacked up some of their own people, so skilfully, that by copying Henry's speech and gestures, by imitating his dance and banjo, and above all by an ingenious mixture of burned sole leather and assafœtida—for which they took out a patent—they presented such an admirable imitation of an enfranchised fugitive, that Henry himself could not distinguish between the genuine and imitation. But although the occupation of this Othello was gone, yet he had good clothes, never felt hungry long at a time, and spent his time very much as he pleased. Henry had, however, been always held in a sort of *quasi* bondage by Sneakright, who, he verily believed, could at any moment, have remanded him into slavery. But from the causes we have mentioned,

Sneak had made so many requisitions upon the stockholders for "expenses," and afterwards put the whole receipts of exhibition in his pocket, that they grew tired of hearing that "it was all passed to the credit of the company," and so abandoned Henry to the underwriters, as has been done in the case of the Mississippi and South Sea schemes, and latterly in the case of the "Captain Kidd salvage company." But we had omitted to state as a conclusive reason, that as everybody got tired of hearing the same thing, and as all the village boys knew by heart the narrative of "Professor Sneak," and could repeat it with very edifying comments, it became rather a subject of ridicule than of sympathy, and people said that the nigger had as well stayed where he was, as to work for Sneakright the balance of his life.

But about this time a signal misfortune befel the fugitive. Having one night performed until daylight upon his banjo and stimulated his system with hot potations, he was taken ill

of a violent pneumonia which settled permanently upon his lungs, and in a few weeks reduced him to a shadow of himself. The poor wretch was now reduced to great necessity. True, some kind housekeeper, for whom he had split logs and borne burdens, gave him medicine and food, but he was compelled to lodge in a cellar, and deny himself many things indispensable to his recovery. Indeed the climate of White Acre was too cold and variable for his constitution. Henry had not seen Mass Sneak for some time, and that philanthropist being "without honor at home" was preparing to carry his benignant services elsewhere. With this view he had changed his name, attached himself to another religious denomination, and adopted a dress and appearance so different from that which he had formerly worn, that although he intended to "work the Black Acre circuit" again, no one could have suspected that he had ever labored in that portion of the moral vineyard before. Hearing that he was expected to go away, poor

Henry, one evening, staggered up to know how he could get some wood and physic from the stockholders.

Sneakright met him with his usual blandness of address. "Well," said he, "Hen-e-ry, my fine fellow, how do *you* do?"

—"I'm but poorly myself, Mass Sneak."

—"Oh the warm weather will bring you areound, you've only danced too much, Hen-e-ry, I reckon."

—"No, Mass Sneak, it want dat, I never bin de same man sense you hire me out at dat town, after de pufformance, to play de banjo."

—"Well you'll be well by then I come back."

—"I heerd you was going away Mass Sneak, dat was why I come to see bout whar I can git some wood and physic while you are gone."

—"Wall, Hen-e-ry, my fine fellow, I don't know."

—"But, Mass Sneak, who will stan master

for me, for you see I an't able to help myself up when I am down hardly."

"Why I'm sorry for you, but I brought you out of the house of bondage, and though you haven't nothin like paid me for what I have spent on you yet, I am willing to forgive you the balance, on account of my good feelings towards you."

—"But, Mass Sneak, I got no clothes."

—"Wall Hen-e-ry the Lord will provide."

—"Mass Sneak I an't got no where to stay."

—"Wall, Hen-e-ry, the foxes have holes, and God takes care that not a sparrow shall fall to the ground, without he gits up again some ways or another."

—"I'm stayin in a cellar, whar de water rises on de floor, and I has to dip it out every morning, and I has to eat anything dey send me and little at that."

—"Wall, Hen-e-ry, you ought to be contented; what does the good book say? Better a dinner of yarbs with quietness than a stalled

ox with strife, you had better be a doorkeeper in the house of the Lord than dwell in the tents of the wicked."

—"I don't know bout all dat, Mass Sneak, but I would be mighty glad you would give me something to live on if you please sir."

—"Why you lazy, impident coot! You come to me for money, when you're in a free country? You ask me for clothes when you're your own master? What do you mean?"

The poor fellow looked with astonishment at the sudden change in the hard hearted wretch who had enjoyed the whole fruits of his labor, and then shunned his petition for the most common charity.

He could only scratch his head as of old and stammer out:

—"I dunno Mass Sneak."

But his miserable condition came upon him so forcibly that his tears rolled one after another down his ashy face, whilst Sneakright pretending to be busy in packing up a book of

tracts, suddenly turned sharply upon him and said:

"Wall, what are you hanging about here for? I've got nothing for you. I don't owe you nothing, do I?"

—"Not as I knows on, Mass Sneak. I never had nothin for my work sense I lef ole Master, so I thought somebody ought to give me something, sir."

—"Why you gawl darned imposture! you lazy born devil. Do you think I am to be your dependence? You go frolickin about till you break down your constitution, and then you depend on me to take care of you.

"If you dont leave in lessen a minute, I'll make that hide of yourn as hot as pepper. Clear yourself. Go back to your old master, ef you're so mean sperited, or go out and die on the common, I'm sure I dont care, for I've got *nothin* for you."

The poor creature slowly closed the door, and retired, broken in health, hope and spirit.

Within a few days he had a hemorrhage

of the lungs and in his fevered dreams when none came near him, he saw the old home cabin, and his mother, and his master rode by the door as he used to do, and above all, his kind old mistress, who had never given him a harsh word, looked down upon him with a pitying eye as if she looked from the windows of a better world. He lay burning with the delirium of fever. Then he grew somewhat better, but still remained very weak. So he determined to gather his poor rags, and if he could not reach home, in his own homely phrase, "to die trying."

As a preliminary to his departure, the poor wretch resolved to sell his banjo. It was all that he had. He took it out, and though he did not "stray o'er its chords," as sentimental musicians do, he could not forbear to tune it, and as he sounded one of his rude preludes, a dull smile played for a moment over his countenance, but it disappeared and the poor creature thought of the separation, as from a last friend. He laid it down and tried to think

of some one who could befriend him, and to whom he could entrust his determination. He could remember but one person in the crowded city of Nieu Amsterdam who could aid him, and that person was Joe Grant. Although Joe 'despised a nigger,' he was 'always down' on dishonesty and oppression, and ready to aid misery whether it came clad in white or black, —or as Pat Rag would have said, in nakedness. He was now a butcher of high degree, he was at the head of his business, he did justice himself, and compelled it to be done him by others.

"Well darkey," said Joe, "what's up now? Whar have you bin to ever sence?"

—"Oh dunno, mass Joe, pears like I aint to git well no more."

—"Why you do look thin about the wattles, and you don't grin no more, why what's come over you?"

—"Well, mass Grant, to tell you de God's truth, I don't think I'm long for dis wull. I'm

no count to nobody, and dere is nobody to care about a poor sick nigger."

—"Why thars Sneakright, you've bin his nigger, why don't he take care of you?"

—"Mass Sneak cuss me sar dis morning, and say he will have nothing more to do with me no more."

—"Whars Miss Keziah?"

—"I an't bin see Miss Keziah sense way yonder lass fall. I cut up all her winter wood, and put away de cabbages for de lady whar she was boarding. I most think she gone out of de settlement."

—"What did you do with all the money that they paid you?"

—"Why, mass Grant, dey never give me none. Miss Keziah she give me sebbrel tracks, but I tell her I could'nt make out on tracks, dout dey was possum tracks, and sense I lost Tige, I can't do dat even," said the negro with a shade of his former drollery. "But dat was all, 'cepting my pufformance clothes, sar."

—"How long were you with them?"

—"About two years sir."

—"You are sick, have no money, and no whar to go?"

—"Dat's about it mass Grant."

Joe executed a prolonged and ejaculatory whistle, and then asked, "what are you going to do?"

—"I clar I hardly know. I come to tell *you* mass Grant, but you wont tell on me?"

—"No."

—"I wants to go back to my old master, and my people at home."

—"What, give up your freedom?"

—"Well, mass Grant, I reckon dats what I ought to call it by rights, but I don't get no more than my vittles and close here, and I got that before, but I never thought bout bein sick, and not havin no place to stay, an everybody trying to git rid of me like I was an old dog or a foundered horse."

—"Are you willing to work for another man, if he will give you your vittles and

clothes, and take care of you when you are sick, and if you live to be old?"

—"Dats it mass Grant."

—"Well you're a sensible fellow. To tell you the truth, its about the best thing you can do. You're not fit to go in whar every one's fighting for the upperhand, as every one is here. Its hardest fend off, and you are no where. Why just look where I skinned my knuckles over Jake Lantsman's head yesterday. I had bought some stock and paid for them, so Lantsman he goes to the drover, and tells him I was going to make an almighty profit upon him, and being that he was a stranger, he had concluded to pay him ten shillings a head more for them, so Lantsman got the stock and was driving them into town when he met me. Ses he, 'Hello Grant, I've got a message for you, from that drover, he ses you cheated him.' Well he's a liar. What are you doing with my stock, ses I. 'Well I bought 'em, and I'm to give you back your money, and here it is.' By this I had

lit out of my wagon. I ses, 'Lantsman you leave them stock in the road whar they ar.' 'You be d——d, ses he.' I ses no more but goes up to him, and lays hold of his leg, he hit me over the gourd with his whip handle; well his men run in to part us, and the stock got scattered, but I reckon Lantsman will never pay for another man's stock agin. My boys that I had along, kept his'n off, an when I let him up, he couldn't tell one end of the road from the other, and he couldn't have seed the drove if they had been all in one big bullock. I left him in the road and druv off the cattle. Now darky, how could you see your own in such a country? as long as you work for other people, it's well done blacky, you're as good as your betters; when you want something for yourself, it's you d——n-nigger git it as you can!"

Henry signified that he had found it to be so.

"But," said Joe Grant, "how do you ex-

pect to git back, you're nothing but a bag of bones, you can't begin to walk there."

The poor wretch said he could walk a little way at a time, and then rest.

"But you've got no money."

—"No sir, nothing but—my—banjo; you used to like that sar."

"Poor devil," said Joe, "why did they take you from your home and your friends, to suffer and perish here."

Then he added as the tear of honest sympathy gathered in his eye, "d——n your banjo, keep it, it's not heavy to carry, it may cheer the little life that's left in you. Here, do you go down to my slaughter house. If there's anything you can do, go at it; if not, do you cook and eat, and try to put some meat on that frame of yourn, do you hear?"

—"Yes sir, and thank God for it, mass Grant, you talk like old master."

—"And sahay! do you string up that banjo of yours, and let me hear a real breakdown to-night. Do you mind that frolic at the old

Deacon's, when I hugged old Maria Mule? ecod it felt like climbing a shell bark hickory."

Henry could not help grinning.

—"Keep up your spirits, darky," said Joe, "I had rather you had stayed whar you belong at first, but if you're not satisfied, I'll help you back again if you want to go."

But Grant's kindness could do nothing effectual for the poor negro, to whose careless and imprudent nature the harsh climate of White Acre had proven so nearly fatal.

At last a schooner was found going a voyage to Black Acre, and having paid his passage, given him some old clothes, and a little money, Joe Grant shook hands with the grateful creature, and they parted.

THE FUGITIVE RETURNING.

It was very late in the fall when Henry arrived out and landed at the same anchorage where his ancestors had been put ashore more

than a century before. He was in very feeble health, and as he had yet to walk several miles to the Black Acre homestead, he did not reach there before dark.

It is not unusual for dogs to recognise travellers who have been abroad for some time, but upon this occasion they did not intermit their barking at Henry's approach, nor did they seem to remember his voice; on the contrary, they followed him at a short distance, announcing his approach by a violent remonstrance, as if convinced that he was not entitled to the felicitations of the family.

The smaller negroes went to drive off the dogs, but did not recognise the fugitive, who sat down on the low fence, where it crossed the spring path. He asked,

—"Who lives here?"

—"Old master at the gret house."

—"What old master?"

—"Old mass squire."

—"Who lives at the cabins?"

—"Mammy, and granmammy, and uncle Joe, and daddy, and us all."

—"Can I git something to eat?"

—"Yes, if old master know bout it."

Henry resumed his walk, he was very feeble. The children fell into the path, and scrambled along with the dogs. The moon shone brightly and every object was visible. The cabins were arranged in a row like a street, each had its paled garden to separate it from the next. The hands had come in, some were leaning against the fence, others seated at the doors. The fugitive came slowly along, escorted by his colored cortege.

—"Uncle Joe," said one of them, "dis man say can he stay all night?"

—"Whar you come from?"

—"I'm a free man took sick in the river."

—"It's 'cordin as old master say."

—"I'm mighty weak, cant you go and see him for me."

—"Yes, I reckon so." So uncle Joe taking

a detachment of dogs and children, departed to ask permission to entertain a sick stranger.

No sooner had he departed than the group began to question the stranger more closely. He repeated his story amplifying it to say that he had come by schooner from the north. "Did you ever hear tell of one Mr. Sneakright?" asked Martha, with a laugh.

—"I think maybe I have. Did you know him?"

—"To be sure I did. He want me to run away and be Missis Sneakright."

—"Why did'nt you?"

—"He was too fetched ugly, and I had rather work for myself and old missis than for any man mean enough to steal me."

—"If you know him," said an old and feeble voice, "maybe you have heerd of a boy by the name of Henry, that run away from here some three or four years ago."

—"What sort of a boy was he?"

—"A very smart, good boy, willing to

work, but full of his fun. He was persuaded off by this Sneakright."

—"What was his other name?"

—"He had no other, the neighbors called him Black Acre Henry."

—"Was he a stout man?"

—"Yes."

—"Dark and slick?"

—"Yes."

—"Did he play on the banjo?"

—"Yes—yes"—cried every one. "Where is he?"

—"They have given him another name, but I think I'd know him. But he's so changed, I don't reckon you'd know him."

—"What changed him so?"

—"Oh, the same that changes everybody, 'trouble, trouble.'" And the poor fellow broke out coughing with a violence that interrupted the enquiries.

—"Come in," said the old woman, "here's a little bark fire, and you're complaining. The night air is not good for you."

They helped the poor fellow up the steps and he sat down by the fire. But maternal instinct could not be deceived. The woman who hastened to set a chair, found her attention awakened by the conversation, and when the firelight fell upon his worn and wasted features, she recognised her unfortunate son, and exclaimed "Lord! God! Henry! an't it Henry?"

"Mother! yes, its what's left of him."

"Blessed God! my poor child has got home again once more," and the poor creature threw herself upon his neck, and wept aloud, whilst his old grandmother and all others came forward to assure themselves of the fact, and the intelligence spread as rapidly as the lungs and feet of the villagers could diffuse it.

—"Whar has you bin and why did'nt you let old master know?"

—"Mother, I'm too weak to tell now, I want rest and vittles."

Yet they all crowded around, from the babe in arms to the old grandsire; they welcomed

him home, and then the fugitive went to his rest, having desired his respects to his old master and mistress, and asking them to come and see him the next day.

The messenger returned with permission to the sick stranger to remain, and upon learning the particulars regarding Henry, it was communicated at once to the family, who expressed surprise and commiseration.

Henry passed the night as comfortably as could have been expected from his feeble condition.

The next morning his old master and mistress came down with one of the young ladies; a servant brought such things as might conduce to the comfort of the invalid.

They each shook him by the hand, and were glad to see him at home again. His young mistress expressed the hope that he would be soon well again.

—"No, Miss Sarah," said Henry, "if I was ever to get well, I would never have been at home again, thats the truth."

—"Why do you say so Henry?" asked old Mrs. Careless.

—"Why old mistress, as long as I could work and do anything for them that I was with, they didn't want me to come."

—"But you were free."

—"Yes madam, but they would laugh at me and swear at me, if I talked of coming away. And I didn't intend to come, for I knew I had done wrong, and expected to be punished for it. So I used to say to myself, if my lot was harder there than it used to be here, it was my own fault. That was when I was in good health, it was not so when I was sick. But when I got weak and couldn't work,"—[here the poor creature had a long spell of coughing, from which when he recovered, his old mistress said,]

—"You had better not talk any more now, Henry." But he replied.

—"I had rather talk madam; maybe before long I cant say what I want to say. When I could not work any longer, everybody give me

up, except them that was as poor as myself. I kept thinking about my mother, and my old home, about my old master and mistress, and the children, and even about the dog. So I said well I'm but a prodigal nigger, I'll go back home if I die on the way; if I live, I'll ask old master's pardon, and keep the rest from being deceived as I have been."

—"Well Henry," said the old squire, his eyes suffused with tears, "you're very welcome, you shall be taken care of the best we know how. When you get well, you can talk about this matter, but now you must have rest."

So they all bade him good bye, and returned, leaving him in a comfortable house with his mother and lady Nelly, sitting by the fire, with all sorts of teas and soup and doctor's means, keeping warm against it was time for him to take them.

CHAPTER XII.

The trial proceeded, Counsellor Broadview had concluded his argument. It produced an obvious effect. Even many of his kindred commended him for the honesty and wisdom of his opinions and said they would stand by him.

Counsellor Flash had, in conclusion, made a violent assault upon the Clam-Thistle party. He denounced them as backbiters, and slanderers, and more than intimated that they did not "keep their hands from picking and stealing," as enjoined by the litany. He affirmed that many of the White Acre people had made all they had by buying and selling the black creatures; nay, he went further and produced

the instrument by which their ancestors had sold their interest in them, and received the money. Then he passed over to Mistress Clam, who listened with great equanimity. Her eyes were closed. Her lips appeared to move, but whether in prayer or anathema could not be known. "In this unnatural contest," exclaimed Counsellor Flash, "the sacred robe has been doffed. The milder sex has forgotten its timidity in the ferocious pursuit of an obnoxious opinion. Those faculties dedicated to soothe the asperities of social life, are employed to pour the acrid eructations of a disordered philanthopy into the unscrupulous ear of a hired attorney. The kindlier impulses of our nature seem to have been perverted to stimulate the unhappy enormities which separate these parties, and every effort to effect an accommodation of interest or a reconciliation of feeling have proven ineffectual.

"And now may it please the court, I have, during the progress of this cause, discovered a

fact to investigate which I shall ask the protection and assistance of the court. I charge that there exists in this suit a conspiracy to defraud these defendants. I charge that there has been not only Barratry upon the part of the miscreant who darkens the profession to which he claims to belong, but that the plaintiff, Sneakright, with his confederates, Keziah Clam, and Ananias Thistle have been guilty of champerty and maintenance. That they have got up this suit in the name of charity, but in reality that they may receive a part of the recovery to which the nominal plaintiffs may be entitled under the verdict, and lastly, that it is their design to deport and carry away into a *quasi* bondage, in another land, the deluded creatures whom they pretend to deliver from slavery in this."

This violent philippic terminating with a direct charge of several grave offences under the common law, against persons who had represented themselves so very disinterested,

produced high excitement. Counsellor Whale rose, and laying his hand upon that region of his white waistcoat where anatomists inform us the heart is situated, uplifted his eyes to heaven, and declared, that "not being a man of blood, or accustomed to resent imputations upon his honor with violence, he should reserve for another occasion the vindication of his good name. In regard to the charges brought against him, he declared them unfounded. He was perhaps the most disinterested attorney who had ever appeared in any court. It was true he was frequently seen in the bar, but he appeared there without fee, or prospect of any other reward than of contributing his humble aid in the cause of justice. He repelled the charge he said with more of sorrow than anger."

But Mistress Clam could not be restrained. No sooner was her name mentioned than her eyes flew open with a snap like a clasp knife. In vain the sheriff cried "silence," with a voice so loud that nothing else could be heard.

Mistress Clam was "bound to speak." "She had heard the sex to which she was proud to belong, aspersed in the most cruel and ungentlemanly manner."

Sheriff. "Silence! silence."

Mistress Keziah. "I will speak. I am a free citizen of a free land. I am a suitor in the court. My character has been aspersed. I will defend it. I have been accused of a crime revolting to my nature, and I will speak."

Court. "The sheriff must preserve silence."

Sheriff. "Silence."

Mistress Keziah.—"If I go to prison for it."

Counsellor Flash rose, and with much grace of manner, apologised for having offended the lady, and begged she should be heard in her own exculpation. Indeed, he would prefer a denial of the charge which it had been his professional duty to make. And it would afford him pleasure to contribute to her vindication by an immediate trial of the truth, if it should be deemed consistent by her coun-

sel, with her interests, that the trial should take place at once. He was prepared, with the consent of parties and the approval of the court, to put in three several pleas. He had no doubt the plaintiffs would hail with delight an opportunity of vindicating themselves from charges which, if sustained, must destroy their chances of recovery. He therefore asked the court to admit these pleas.

C. J. "Do the plaintiffs assent?"

Counsellor Whale. "The court will allow us time to confer."

Ch. J. "Certainly."

This assertion of an interest on the part of the plaintiffs had an obvious effect upon the crowd, and reflected itself instantly upon the countenance and manner of the jury. When followed by a challenge to allow the introduction of evidence, the Clam-Thistle party perceived instantly that it would not do to refuse an investigation of their motives. They were moreover, confident that their secret was known to none but themselves, and that it

was impossible for the defence to convict them. On the other hand, they knew that a failure on the part of the defence to prove the allegations, must react with fearful force upon them. So though the proceeding was irregular and unusual, they consented to admit the pleas, and admit the testimony upon them.

Counsellor Whale. "Will the court allow us time and proceed to summon witnesses to rebut these preposterous charges?"

Ch. J. "If this is a consent proceeding, though irregular, yet to prevent the continuance of strife and terminate everything by one verdict, the court will not object. The trial of the pleas will, however, be interlocutory and in the nature of an arbitration. Do the parties consent?"

Both parties consented.

C. J. "The clerk will enter this agreement. Counsellor Flash will offer his pleas."

The counsellor then proceeded to read them as follows:

"1. For that the said parties plaintiff had

combined together for the purpose of mulcting the said defendant Careless in large sums of money in the way of damages, or by compromise of his just rights. Which sums of money they had covenanted to divide and apportion amongst themselves.

"2. For that the said parties plaintiff had stirred up and instigated a vexatious suit against the defendant, disturbing thereby the peace of the neighborhood, and causing great loss of time and money to the good people of White Acre and Black Acre.

"3. For that the said parties plaintiff had covenanted with certain black creatures held to lawful labor by the defendants: that if they would employ the plaintiffs to move in a suit to recover their freedom and wages in arrear, that they the said plaintiffs would bear all manner of charges attending the same, and rely wholly for their compensation upon receiving one half of any sum to be recovered for the wages in arrear of the plaintiff, or in default of such recovery, that they, the said

black persons, should deport themselves at their own proper expense to the farm of White Acre and there enter into indentures sufficient in law, by which they should labor for, and during the space of ten years next ensuing the date of their arrival, in such vocations, and at such reasonable wages as might be by the said parties plantiff fixed upon. The said black persons bearing the charge of their own maintenance in sickness and health, bad weather and holydays, and paying the balance of such wages to the plaintiffs or to their proper order."

To these pleas, Counsellor Whale at once put in a replication denying them *in toto.* He avowed himself ready for trial; insisted that there was an aggravation of the wrong done by the defendants, and flatly threatened that a new action for defamation of character should be brought by the outraged defendants.

Thus challenged to produce proof, Counsellor Flash proceeded to introduce several of the

oldest and most respectable neighbors. These witnesses could, however, to the great chagrin of the counsellor, only testify their suspicions. Some of them knew one Kit Ranter, and had known his father before him, they were both cross, and to use the words of one witness, "cross-grained" people who never had a good word for any body. They had heard them abuse the Black Acre people.

Counsellor Whale. "Have they anything to do with this suit."

Wit. "I've heerd that they got it up."

Counsel. W. "Do you know it."

W. "I can't say that I do."

Coun. W. (Triumphantly.) "Then the court will tell the jury that these suspicions are no proof."

C. J. "Certainly."

Counsellor Flash. "Have you heard either of the parties say anything about this suit."

Counsellor W. "That is a fishing question. I shall object to the witness answering it."

C. J. "The counsel for the defendant must apply his question to some particular person."

Counsellor. "Did you ever hear Mistress Clam say anything about this suit?"

Wit. "I have heern her say that the blacks was better people then the Black Acre people, and that so far from suing for her freedom, she would burn for it or kill for it."

Counsel. W. "Did you ever hear her say she was interested in the result of this suit?"

Wit. "No. She always denied that she had any more to do with it than any other friend to them that was in trouble."

Counsellor Whale. "The court will see that this is a groundless and malicious plea, and ought to be dismissed."

Mistress Clam had recovered her composure, she smiled with malignant delight, and whispered to her counsel that she should like, if consistent with the rules of court and the code of justice, to "tear the wig off the ojus wretch, or scratch out his very eyes."

Counsellor Whale said very blandly, he pre-

sumed the court would instruct the jury to disregard this plea, as wholly unsupported by the evidence. The court would leave to the jury to determine the weight of the testimony. It then asked, "does the counsel for the defendant propose to introduce any other evidence upon their pleas?"

Counsellor Flash was then conferring with his clients. He asked "that the court would wait a few moments before dismissing the pleas. He had a moral conviction of their truth, but feared the plaintiffs had been too artful to leave any proof of overt complicity."

At this stage the Clam-Thistle party was all cheerfulness. The Rev. Thistle saw himself comfortably established in a prebend or a parsonage upon the fertile lands of Black Acre. He was surrounded by a colony of the enfranchised heathen, to whom he broke the bread of life, and who in return supplied him with provisions, cut his wood, curried his horse, and rendered him those services which the Indians do to the Jesuit fathers under the system of

repartiamentos, a system under which the barbarians are given to the church upon condition that they shall be converted to christianity.

Mistress Keziah Clam anticipated with grim delight the poverty of her cousins, who would be reduced to hard labor. She likewise thought how she would have certain of the heathens encased in the wearing apparel of her deceased delight Captain Clam; how they should be taught to dig up the garden in the right season, and instructed in the art of sawing fire wood, and subsisting on cold cod fish. For whatever might have been her motives, she rightly thought their regeneration depended upon their ability to maintain themselves by labor and economy, without these the heathen is very apt to find the "cravings of the immortal mind" less hard to appease than the necessities of the body. Mistress Clam had likewise the vision of a small black heathen, clad in her own well preserved garments, shrouded in a clean apron, with her wool brushed as if her head had just come home

from the carding machine; her ears figuratively pinned back, knitting with great speed, and casting furtive glances at the cupboard, whenever that repository was opened.

Sneakright stood near the witness box. He imagined himself the captain of a swift sailing vessel. She had on board about fifty of the enfranchised. A storm arose, the points of the compass became obscured. He headed the vessel for the nearest port, unhappily it proved to be one of those belonging to Don Armado. Without an adequate supply of water or provisions, he was compelled to enter. As no enfranchisement was allowed them, he was under a necessity to make the usual declaration to his owner, that he was unable to proceed to sea again, and so had no other alternative but to see his passengers sold at public outcry. The balance after port charges being paid over to him, he derived some consolation that the money might be employed to advance the cause of enfranchisement elsewhere.

The court was waiting. The Rev. Thistle looked at his silver watch, wound it up, wondered if they would decide in time for dinner.

But just at that time there arose some commotion at the door. Those who were within turned their heads in that direction, and saw persons assisting a miserable black creature to enter. His clothes hung about him in bags, his shirt was clean, he had all the aspect of having risen from a bed of sickness. His eye was bright, his skin a dusky black. He bore unmistakeable evidences to the observant eye, that he was in the last stage of pulmonary scrofula, a disease to which the race is more or less subject, whenever transported to a region much north of its natural latitude.

No one could imagine why such a cadaverous spectacle should be introduced. The black was seized with a violent fit of coughing, which seemed to rack his very frame. Having recovered somewhat from this paroxysm, he was supported to a seat near the bar.

The crowd made way, looking with intense curiosity for some explanation.

Mistress Clam with dramatic alacrity, availed herself of this incident to make an impression upon the public mind, knowing that as no contagion spreads like that of opinion, it must be communicated in a type more or less decided to the jury. "Another poor victim!" whispered she in tones so shrill, that they pierced the most remote ear like a gimlet; "torture and toil have done their appointed work, and he, instead of joining his brethren in a free and happy land, will go where neither bondage nor the taskmaster will ever harm him more. Oh for the great day of jubilee and freedom," continued she, "speed it, oh just heaven!" "Silence," cried the officers of the court.

Counsellor Flash. "May it please the court, we have brought forward some documents in the possession of this black creature, by which we desire to prove our pleas. It is however proper for the court to decide upon the com-

petency of such testimony." The court decided that "the documents must depend upon themselves, their authenticity and relevancy would be determined by the jury. The evidence of the black creature was inadmissible, persons of his color and condition might be competent witnesses against those of his own race and *status* upon the general issue."

But counsellor Whale was not satisfied with this ruling. "Certainly" he added, "the court decided rightly to exclude the witness. Contending as he did for the natural equality of all men, bond or free, he would still respect the laws of the land until changed, as he trusted they would soon be, under a more just appreciation of moral obligation. Until therefore his clients—of whom this was in fact one—though under evident *duress*, should be duly discharged out of bondage, God forbid that he should take any advantage of their testimony whatever. To what would the admission of such testimony lead? If this witness should be admitted, the plaintiffs might

admit rebutting testimony of the same character, and he must say that if evidence affecting the private reputation of the parties defendant should be admitted, he pitied sincerely the opposite side. He therefore excepted on two grounds:

"1. That the color and condition of the witness rendered him under the existing law incompetent to testify.

"2. That as the enfranchisement of the witness was in issue, he was a party interested in the event of the suit, and therefore incompetent."

Counsellor Flash said he should not object to the first ground of exception, which had been properly affirmed by the court, though in direct contradiction of the principles laid down by the counsel for the plaintiffs in his opening speech. As for the second ground, it might be easily removed by a deed of manumission, which would obviously subject his client to very small sacrifice. That he did not intend

to do. But he would state to the court, that some part of the statement to be made by the black creature would implicate one of the colored plaintiffs in having aided an escape from bondage. The rest would be necessary to place before the jury a connected narrative, and would facilitate the consideration of the documents. He was willing the jury should be instructed to disregard all the statement except what was material in the point of view last stated. He therefore asked that the witness might make a statement to render the documents more intelligible. He only sought to introduce him as a sworn interpreter, nothing more. The court could not see the relevancy of any part of the testimony. To aid in an escape from bondage, was a distinct offence, not under indictment or indeed triable upon that side of the court. The action pending was one for freedom. The pleas now under trial were for champerty, barratry, and maintenance. Testimony that one of the plaintiffs had been guilty of aiding the escape

of another could have no proper bearing upon the issue at bar. He should exclude it as irrelevant. The witness was in every respect incompetent to testify to the pleas in issue.

Another long consultation ensued, during which the black invalid had a conference with the counsel for the defendants. The Clam-Thistle party became as impatient for a decision as the crowd at the old Bailey sometimes is that the convict shall be swung off. Then a messenger bustled out of court, who returned after some time with an old Havresack. This the invalid unfastened with a trembling hand. He drew out a bundle of dirty papers, which he handed to the counsel.

Upon perceiving these papers, the counsel for the defendant seemed puzzled and surprised, and after some ineffectual attempts to comprehend the witness, the court was requested to take a short recess, to allow a consultation which could determine the action of the defence one way or the other upon the pleas. Notwithstanding some ungracious opposition

from the other side, the court agreed to do so. The defendants' counsel withdrew with the invalid into a jury room. During the absence, Sneakright, who had latterly seemed very restless, contrived to slip into the hands of counsellor Whale a scrip of paper, having written on it the words, "dont let him be sworn." He then disappeared.

Upon the return of the defendants' counsel, it was announced that they were now ready to proceed with the proof of their pleas.

Counsellor Flash. "May it please the court, I will announce to the jury a narrative, which is not offered as testimony, except so far as it may be corroborated by documents which we shall be able to sustain as authentic. The court will instruct the jury to regard this narrative as a mere theory offered by me to explain the documentary evidence subsequently to be introduced. I offer the following supposition or theory: That a certain black creature named Henry, being in bondage and

therefore justly excluded by the court from testifying in this suit, was seduced and persuaded by a certain Sneakright, styled in these proceedings the guardian and next friend of certain black persons held in bondage, to abscond and take refuge in a country where laws, he was assured, would entitle him to protection and to the wages of his own labor. This guardian and next friend having without success persuaded the black to burn the house and plunder the family of his master, they departed together for the land of freedom, known in this community as the farm of White Acre. Soon after his arrival he was commanded to exhibit himself as a proof of the barbarism of those who had reared him, and assured that after deducting the expenses attending this exhibition, he should receive one-half the sum remaining.

"So far from this, however, he received nothing except an economical maintenance, being threatened with immediate restoration to the ownership of his former master, who he was

told, made terrible threats against him, whenever he asked for any settlement of accounts. Being by the exposure consequent upon his manner of life, and the severity of a climate to which he was unaccustomed, Henry fell ill of a heart complaint. Being unable to work, he applied to his guardian and next friend for aid, or some compliance with the terms of his bargain. So far from receiving, however, sympathy for his sufferings, or compensation for his services, he was treated with contempt and threatened with personal violence. Left thus dependent upon the charity of others, he determined to return to his former home. This he has done, and is now—pointing to the invalid—here."

At this announcement all turned to look with renewed interest upon the emaciated creature, but though many remembered well the hearty and happy negro of a few years since; few could have identified him with the bundle of rags and bones before them.

Counsellor Flash continued:

"I shall expect the court, gentlemen of the jury, to tell you that this is only my theory, or conjecture, and is, therefore, no evidence. I have introduced it to explain, so far as it can do so, certain documents in my possession, which the court will inform you are legal evidence, if proven to be the acts of the parties plaintiff in this suit."

The court, accordingly, instructed the jury to disregard the narrative, except so far as it might be proven by other testimony, and to admit the documents if proven to be competent testimony. They would, however, judge for themselves of its weight and relevancy.

Counsellor Flash continued: "The first paper I shall introduce, gentlemen of the jury, is a written handbill, setting forth that Henry, an enfranchised fugitive, had been cruelly detained in bondage by a monster of iniquity, named Charles Careless, of Black Acre; that by unparallelled exertion and endurances,

Sneakright, Esq., of White Acre, had received him; that in the course of this enterprise Mr. S. had been repeatedly lynched after the custom of the manner of Black Acre, also several times hanged and had escaped by swimming across a broad stream known as the Chesapeake bay or river, upon a log, with the fugitive behind him. This is in the form of an affidavit made before a justice of the peace, it is signed Sneakright. We prove it to be the handwriting of the plaintiff, now known and recognised as having been a gospel pedlar in these parts some years ago, in which capacity his signature became well known to many pious and excellent persons.

"No. 2. Is a letter from the said Sneakright to Mistress Keziah Clam, announcing his arrival and proposing to her an exhibition.

"No. 3. Her reply assenting to the proposal. She expresses her admiration of her friend and correspondent, says that his services in the

cause of humanity are greater than those of the soul divine Washington, who had aided in recovering the property of Black and White Acre. Regretting the day that the tie which bound the tenantry to Mr. Bull was broken, since, if he had still held control, he would have emancipated the black creatures on Black Acre as he had done his own. She suggested a series of engravings to be introduced in the proposed narrative for purposes of illustration. These were afterwards executed by wood cuts. Gentlemen of the jury, according to her memorandum, and you can examine them as a curious misrepresentation of a state of things attributed to yourselves and neighbors. They are as follows :- 'Treatment of our colored brethren upon the plantation of Black Acre.' 1. Punishment. 2. Feeding. 3. Sale and delivery. 4. Escape. 5. Fugitive at full speed. 6. Combat between Rev. Mr. Sneakright and pursuers. 7. Fugitives swimming Chesapeake. 8. Henry De Sylvester escaped and clad in exhibition apparel."

The jury crowded around the engravings with much surprise and astonishment; one picture which represented the old squire with a tremendous paddle inflicting the terrible punishment of cobbing, as it is practiced in the military discipline of Mr. Bull, occasioned great merriment.

The signatures and handwriting were readily verified by those who remembered the "*cole-porter*," and had paid Mistress Clam her school bills. She had also written, whilst there, some very false and abusive tales about the Black Acre people, which had been sent back into the neighborhood, so that her writing was quite notorious.

The next paper consisted of an article of agreement between certain parties as to the partition of the expenses of a certain lawsuit, to be brought in the name of Sneakright, but really for the benefit of Mistress Keziah Clam, the Rev. Ananias Thistle, Maria Mule, Eleazar Doubletrack, Christopher Ranter and several others, whose names and seals

were appended to the document like those to a modern treaty with the Indians. They bound themselves for the expenses and mutually agreed "to divide the profits, if any should result, over and above the glory of God's kingdom and the advancement of His cause."

Proof of several of their signatures was offered, and vehemently resented. The counsel for the plaintiffs insisted upon two grounds of opposition. 1. The evidence of genuineness and authenticity was insufficient. 2. The words of the covenant, though sounding in a pecuniary sense, should be construed as intended for eleemosynary and charitable purposes. It is proper to state that upon argument of the second point, Mistress Clam could not restrain her tongue or temper. She suggested in a loud tone, so many interpolations of defiance that it became at last a little like a concerted piece of vocal music, in which the counsellor bore the air, Mistress Clam the tenor, the proclamation of the officers, and the commands of the court, a chorus, and the deep

objugations of the Rev. Thistle a bass obbligato.

It is not within the writer's province to report this argument at length. The propositions of the plaintiffs were overruled by an unanimous court; the whole written evidence was set up; the jury found for the defendants; the court expressed its approval; and even directed the prosecuting attorney to file information before the Grand Jury against the plaintiffs for all the misdemeanors of which they had been impugned by the pleas, and to subpœna all the witnesses who had appeared for the defence with the process of *subpœna duces tecum* for the documents. A Bench warrant was issued upon the spot against the plaintiff Sneakright, for the offence at common law, of taking and carrying away the property of the defendant Careless. But that ingenious divine had departed before the introduction of the testimony, and whilst his counsel was protracting the decision upon the authenticity of the

documents, Sneakright was busy increasing the distance between himself and the courts of justice as rapidly as possible.

The scene at the close of the trial was of a very exciting character. The neighbors and friends of old squire Careless crowded around to congratulate him. The black creatures had been at the door in lively apprehension of being liberated by force, and carried into that charitable country from which Henry had just escaped alive. They celebrated their own escape from freedom in a most exuberant and grateful manner. Little Cranky did not appear. Having been awaked by the duration of the trial, he had bought some gingerbread, and withdrawn behind the court house to settle by amount wager of battle, the title to certain litigated marbles "wid one white boy."

The Clam-Thistle party bore a rueful expression of visage. The Rev. Thistle had sat in stolid endurance, but with great agony of spirit. He had chewed tobacco in silence until the ambier had traced a line from each cor-

ner of his mouth. He had determined as the denouement of the cause seemed inevitable, to shake the accursed dust of Black Acre off his feet, and abandon any hope of contributing to the glory of the kingdom, but was prevented by a long armed deputy, who grabbed him sacrilegiously by the nape, and with the words "not as you knows on," compelled him to retain his position.

He was subsequently admitted to bail. Mistress Clam having the cure of her moral vineyard much at heart, was naturally disappointed at the loss of so many able bodied laborers therein. She therefore took up her testimony against the "generation of vipers," charging them generally and specifically with all the offences forbidden in the decalogue. Her voice having been drowned by acclamations which it was impossible to restrain, she declared that the freedom of speech had been violated in her person, and when her counsel approached to notify her that she would in all probability be indicted, she demanded her "*habeas cor-*

pus" in such a manner, that some ignorant supposed they had taken from her some article of wearing apparel which they would not restore. Not being able to command an audience, she went off into what is generally known in her neighborhood as "conniption fits," the leading symptoms whereof consist in great rapidity of every muscle except those of the heels and tongue. Thus drumming on the floor and screeching at the top of her voice, she was borne from the court room by the Rev. Thistle and others, looking as it may be supposed some of those mummies do, of which Herodotus, and modern travellers in Egypt give accounts.

It is proper at this stage to say that all the documents by which the cause had been gained had been surreptitiously procured by Joe Grant from his uncle, the deacon, with whom they had been deposited. He had done so with the laudible motive of ensuring the poor fugitive a kind reception, of exposing a nefarious conspiracy, of restoring again the peace

of the community, by showing how much hypocrisy and lucre had to do with the sanctimonious profession of the Mules, the Thistles, and the Clams of White Acre.

The crowd then adjourned into the yard where Henry seated on a chair was directed to give a narrative of all that had happened to him. This he did amid the laughter and often the indignation of his auditors.

Counsellor Whale, whose compensation depended upon the success of this suit, was taken somewhat aback by the threatened indictment for barratry. He engaged in the preparation of a voluminous bill of exceptions to every thing that had been said or done by the court in the progress of the trial. Having had these bills duly signed by the court, he gathered up all his own papers, and had even conveyed into his green bag, *by mistake*, some of great importance, belonging to his antagonist. They were, however, recovered, and he departed into his own country. It is not doubtful that the suit will be renewed as soon as the counsellor

can get a *nolle prosequi* entered upon the indictment pending against him.

Henry, the poor fugitive, soon after died. With that exception, those mentioned in this narrative continued to prosper. The old squire has married off several daughters, and settled several sons upon other plantations. To these he has given off many of the black creatures with families, enjoining it upon all his children, to clothe them well, feed them well, treat them kindly, and give them plenty to do. This, he says, is the best way to make white or black happy. The prosecutions came to nothing. Sneakright and Thistle persuaded one of the Black Acre tenants called Doughface to go bail for them, giving him an order for his indemnity upon some patent invention or other, in which he claimed an interest. He of course never intended to stand his trial, and soon after engaged in the manufacture of cowskins to whip horses, mules and black creatures. This trade failing, we know not what afterwards became of him.

The others are, we believe, still well known and respected farmers in their several neighborhoods.

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